

Charities and politics

Guidance for charities in Northern Ireland on political purposes, political activity and campaigning



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 Charity Commission for Northern Ireland 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 glossary towards the end of this document. If you are reading the document online you can click on the word and it will link you to the definition in the glossary. The words in *pink italics* indicate links to other guidance or databases.

Please check our website www.charitycommissionni.org.uk to make sure you are viewing the latest version of this guidance.

Contents

	Structure of the guidance	4
Section 1:	Overview	5
Section 2:	About this guidance	6
Section 3:	Political purposes	7
	3.1 What do we mean by political purposes?	
	3.2 Can a charity be established for a political purpose?	
	3.3 Case studies: organisations found to have a political purpose	
	3.4 Case study: Human Dignity Trust	
Section 4:	Political activity or campaigning	10
	4.1 Can a charity engage in political activity or campaigning?	
	4.2 What do we mean by political activity or campaigning?	
	4.3 Under what circumstances can a charity engage in political activity or campaigning?	
	4.4 What methods can a charity use to engage in political activity or campaigning?	
	4.5 Important considerations for charity trustees	
	4.6 Case studies	
Section 5:	Political activity or campaigning in the run up to an election	18
	5.1 Charity law: key principles	
	5.2 Registering with the Electoral Commission	
Section 6:	If you have a concern about a charity	28
Appendix 1:	Checklist for trustees	29
Appendix 2:	Glossary	30
	Useful information	34
	Useful contacts	35
	If you disagree with our decision	37
	If you are dissatisfied with our service	37
	Freedom of information and data protection	38
	Contact details	39

Structure of the guidance

This flowchart introduces the key sections of the guidance:

Section 3: Political purposes

- This section of the guidance explains what we mean by political purposes and why a charity in Northern Ireland **cannot be established for a political purpose**.



Section 4: Political activity or campaigning

- This section of the guidance explains what we mean by political activity and campaigning, and sets out when charities **can engage in political activity** and the guidelines they need to be aware of.



Section 5: Political activity or campaigning in the run up to an election

- This section of the guidance deals specifically with political activity and campaigning in the run up to an election, when charities need to be particularly careful to remain non-partisan and independent.



Section 6: Raising a concern about a charity

- This section of the guidance explains how you can raise a concern about a charity for example if you feel it has a political purpose, or if it is engaging in improper political activity or campaigning.



Appendix 1: Checklist for charity trustees

- This checklist asks a series of questions which we recommend charity trustees consider prior to engaging in political activity or campaigning.

Section 1: Overview

Charities in Northern Ireland have strong links to their beneficiaries and local communities, often receiving high levels of public trust and confidence. Charities can find themselves uniquely placed to campaign and advocate on behalf of their beneficiaries.

Charities cannot be established for a political purpose and certain rules apply where charities hope to change the law or influence government policy through their activity. This guidance sets out the legal and regulatory framework for charities wishing to engage in political activity or campaigning. It describes the activities that charities can undertake and the factors that they should assess when planning their activity.

Many, if not most, charities carry out some form of political activity or campaigning on a regular basis. Provided this meets the guidelines set out in this guidance, and they operate according to principles of good governance, charities should not encounter problems under charity law.

The Charity Commission for Northern Ireland (the Commission), as the independent regulator of charities in Northern Ireland, is tasked with promoting public trust and confidence in charities and ensuring that charities meet their obligations under charity law. This guidance is an important tool in order to achieve that. Charities must also be aware of their obligations under other legal frameworks, and to other regulators, for example the Electoral Commission.

This guidance signposts to some other relevant guidance and provides a list of helpful contacts where you can get more information.

Section 2: About this guidance

What does this guidance cover?

This document sets out the Commission's guidance for charities that engage in political activity or campaigning. There is an important distinction between political purposes and political activities. The purposes of a charity are what it is established to achieve. The activities are how it will go about achieving those purposes. A charity cannot be established for a political purpose, but a charity may engage in political activity or campaigning to achieve its purposes. The guidance sets out the requirements which charities must meet if they are to ensure that their political activity or campaigning is permitted under charity law. It is intended to support charities in undertaking this activity effectively while remaining independent and not aligning with a particular political party.

What does this guidance not cover?

This guidance does not provide a full description of electoral law as it applies to charities in a regulated period in the run up to an election. For further information on this, refer to guidance produced by the Electoral Commission, *Charities and Campaigning*.

Who does this guidance apply to?

This guidance is aimed at **charity trustees** who may also be known as members of management committees or directors of charitable companies. It will also be useful to members of the public, charity beneficiaries and others interested in charities in Northern Ireland.

What are legal requirements and best practice?

In this guidance, where we use the word 'must' we are referring to a specific legal or regulatory requirement. We use the word 'should' for what we regard as best practice, but where there is no specific legal requirement.

Charity legislation

References in this document to 'the Charities Act' are to the **Charities Act (Northern Ireland) 2008** as amended by the **Charities Act (Northern Ireland) 2013**.

Section 3: Political purposes

3.1 What do we mean by political purposes?

A political purpose is any purpose aimed at:

- furthering the interests of a political party; or
- securing or opposing a change in the law; or
- securing or opposing a change in the policies of government or any **public body**, whether in this country or abroad.

Purposes differ from activities in that the purposes of an organisation are what it is **established** to achieve, while the activities are what the organisation does to advance its purposes.

3.2 Can a charity be established for a political purpose?

To be a charity, an organisation must be established for exclusively charitable purposes. This means that each purpose must fall within one or more of the **12 descriptions of purpose** in the Charities Act and be for the **public benefit**. An organisation with a political purpose cannot be charitable because it cannot be determined whether the purpose would be for the public benefit. The Commission must apply the law as it stands, and is not equipped to assess whether a change in the law would be of public benefit.

Examples of political purposes include:

- to advance health by abolishing the sale of alcohol
- to advance a particular party or its candidates
- to secure the abolition of the death penalty around the world.

Each of these purposes would either require a change in the law or seek support for a political party; the public benefit cannot be identified and therefore an organisation with such a purpose would not be charitable.

While a charity cannot be established for a political purpose, charities can engage in political activity as a way of advancing their purposes. For example, an organisation established to relieve poverty by changing legislation that affects the homeless would have a political rather than a charitable purpose. By contrast, an organisation set up to relieve poverty by providing social housing and food, and which in its activities sought to influence legislation, could be a charity.

Trustees of all charities must be careful to ensure that the purposes of the organisation are exclusively charitable.

3.3 Case studies: organisations found to have a political purpose

The following examples set out real-life cases from the past where, at that point in time and based on their individual circumstances, organisations were found not to be charitable as a result of having a political purpose.

3.3.1 National Anti-Vivisection Society (National Anti-Vivisection Society v Inland Revenue Commissioners 1946)

In 1947 an organisation established to advance animal welfare by banning all laboratory testing on animals – the National Anti-Vivisection Society – was found by the House of Lords to not be charitable. This was because the purpose of the organisation was political, in that it sought to remove an existing law and replace it with a new one. While it could be argued that changing the law to abolish testing on animals may be of benefit in advancing animal welfare, the Court had the job of applying the law, and was not therefore equipped to assess whether a change would be beneficial to the public.

3.3.2 Amnesty International Trust (McGovern v Attorney General 1981)

In 1981, the Amnesty International Trust was turned down by the Charity Commissioners in England and Wales following its application to be registered as a charity. The Trust appealed the decision. The Trust was set up to administer the purposes of Amnesty International that they thought were charitable. These included the relief of needy persons who were prisoners of conscience and seeking the abolition of torture and inhuman treatment. The Court found that a trust for the relief of human suffering was capable of being charitable but that if a purpose of such a trust was to secure a change in the laws of a foreign country, in this case to abolish torture, then the trust would have a political purpose and could not be charitable.

3.4 Case study: Human Dignity Trust

In a recent case an organisation, the Human Dignity Trust (HDT), won a case against the Charity Commission for England and Wales (CCEW) at the Charity Tribunal. CCEW originally refused to register HDT in June 2012 on grounds including that the organisation's purpose was political rather than

charitable. The organisation is established to support groups and individuals across the world to challenge laws which criminalise homosexuality where those laws are in breach of international human rights obligations.

In its report, CCEW stated: "It is a longstanding and important rule in charity law that political purposes cannot be charitable purposes, as changes to the law or government changes, either in this country or abroad, cannot necessarily be seen as beneficial and therefore meeting the public benefit." HDT argued that all countries must obey international law once they have ratified an international human rights treaty. Therefore, they assert that they are not established to change any law, which would be a political purpose, but rather are established to ensure that the law is upheld.

Following HDT's appeal to the Charity Tribunal, which was heard in June 2014, the Tribunal ruled in favour of the human rights organisation finding that HDT is established for the purposes of promoting and protecting human rights and promoting the sound administration of the law; purposes that are charitable. The Tribunal warned that the case does not set a legal precedent, however, it provides a contemporary example of how complex the law is in this area and some clarification on the boundaries between political purposes and charitable purposes.

Section 4: Political activity or campaigning

4.1 Can a charity engage in political activity or campaigning?

A charity can engage in **political activity** or **campaigning** where there is a reasonable expectation that doing so will help to advance its charitable purposes. It is important that charities are aware of the legal framework within which they can engage in political activity or campaigning. These are components of good governance and stewardship, which will not be new or unfamiliar to a well run charity.

4.2 What do we mean by political activity or campaigning?

Everyday use and understanding of the terms 'campaigning' and 'political activity' can be quite wide in scope. For the purposes of this guidance, the definitions of political activity and campaigning are set out below. There is not always a clear distinction between campaigning and political activity, and a charity may well undertake a phase of activity which combines both.

Political activity: this refers to activity by a charity which is aimed at advancing its charitable purposes by securing or opposing a change in the law or in the policies of government or another **public body**, whether in this country or abroad. It includes activity aimed at preserving an existing law where a charity opposes its removal or amendment. This differs from activity aimed at ensuring that an existing law is observed, which falls under the definition of campaigning. Examples of political activity include, but are not limited to:

- a health charity raising public support for a change in the law on the sale of alcohol
- an arts charity seeking to influence political parties or candidates on the charity's position
- responding to consultations carried out by political parties or by government.

Campaigning: this refers to awareness-raising and to efforts to educate or involve the public by mobilising their support on a particular issue, or to influence or change public attitudes. Campaigning includes efforts to

ensure that existing laws are observed. Examples of campaigning include, but are not limited to:

- a children's charity drawing attention to the symptoms of child abuse
- a health charity promoting the benefits of a balanced diet in reducing heart problems
- a human rights charity calling on a government to observe certain fundamental human rights
- a disability charity calling for existing legislation to be adhered to in order to ensure that all children with special educational needs receive the support they are entitled to in order to access learning.

Regulated campaign activity under electoral law has a particular meaning and you should refer to guidance produced by the Electoral Commission for more information.

4.3 Under what circumstances can a charity carry out political activity or campaigning?

A charity can carry out political activity or campaigning provided:

- the activity is solely in support of its charitable purposes
- the activity is not prohibited in its **governing document**
- it remains independent and does not align itself with a particular political party
- it is in the charity's interests and the trustees are acting with due care.

4.3.1 Advancing the purposes of the charity

A charity's activities must be in support of its purposes. This includes political activity and campaigning. A charity must not therefore engage in political activity or campaigning which is not to advance its purposes. For example, a charity established to advance environmental protection can raise awareness of the dangers of greenhouse gases and lobby government to implement measures to address rising levels of pollution. It could not, however, launch a campaign opposing a change in the law on same-sex marriages as this would not be in furtherance of its purposes.

Political activity must not be the only way in which a charity advances its purposes. A charity may choose to focus most, or all, of its resources on political activity for a period of time however trustees must ensure that this activity is not, and does not become, the reason for the charity's existence. For any charity, political activity can only be a means of furthering its

purposes. Otherwise, it may be found to have a political purpose and therefore not to be charitable. For example, a charity established to prevent poverty may typically work with individuals at risk of poverty, providing advice and support, as well as raising awareness of key issues and engaging in political activity to gain support for new anti-poverty legislation. In the run up to an election, the charity may choose to focus all of its resources on political activity and campaigning. This must not continue to be the case after the election as political activity cannot be the only means by which a charity advances its purposes.

4.3.2 Permitted in its governing document

A charity must act in accordance with its governing document otherwise it is in **breach of trust**. There may be some charities which are unable to engage in political activity or campaigning because of restrictions in their governing document. If you identify that political activity or campaigning would be a valuable means of achieving the purposes of your charity, and these are prohibited in the charity's governing document, you may wish to consider amending the governing document. For advice on amending a governing document, refer to the Commission's website.

4.3.3 Activity and campaigning is neutral of party politics and independent

A charity must remain independent and not align itself with a particular political party. It may support or oppose particular policies, including those advocated by a particular party, as a means of achieving its charitable purposes, but must never support or oppose a political party or politician.

If a charity endorses a party because it agrees with one policy, it is effectively endorsing the party's wider policies, which are not related to the charity's purposes. Additionally, a party may change its policy over time in such a way that it would not align with the charity's purposes.

In supporting a policy that a political party advocates, a charity should make clear its independence to its supporters, the general public, and those whose views it is seeking to influence. Equally, when engaging with politicians, it is important that charities are open about their contact, and consider engaging with politicians from a range of parties. For example, a charity may receive invitations from a range of political parties to explain the needs of its beneficiaries. If the charity were to accept invitations or contact from only one party, and did so consistently over time, this would call into question whether the charity was remaining independent of party politics.

Trustees must not allow the charity to be used as a vehicle for the expression of the political views of any individual trustee or member of staff and should be mindful of how the resources of the charity are used so as to ensure neutrality and independence. For example, a charity must never give money to a political party, politician or party political campaign. Equally, trustees should be satisfied that any donations received, including from a political party or individual, are in the best interests of the charity and not likely to impact on the charity's reputation adversely.

Charities may wish to have policies in place to manage the tone of social media campaigns as well as policies to manage political affiliations of staff, trustees and volunteers and the use of social media, including personal social media accounts.

4.4 What methods can a charity use to engage in political activity or campaigning?

A charity can use any reasonable and lawful methods to campaign provided the activity meets the requirements set out in [section 4.3](#) of this guidance. Methods include:

- distributing campaign materials such as information leaflets
- explaining the charity's position on a website or blog
- internet campaigns or petitions
- engaging with politicians to provide evidence on a key policy issue
- advertising in newspapers or other print media
- facilitating, or giving, interviews
- disseminating the results of research to inform a policy position
- arranging, or participating in, policy debates
- publishing the views of politicians and of government, provided this is to further the purposes of the charity
- providing information on how politicians have voted on a relevant issue in the past
- organising a demonstration or rally.

It is up to the trustees of the charity to identify the most appropriate methods and to ensure that these methods meet the requirements set out in this guidance.

4.4.1 Restrictions on the use of a charity's premises

Generally, a charity may use its own premises in support of any charitable activity, including its own campaigning. There are certain restrictions on

the use of charity premises for political functions. For example, a charity may hire out its premises as a means of raising funds. This can include to local political and campaigning groups, candidates for election, or local councillors who wish to hold surgeries with their constituents, provided the charity charges appropriately for the hire. Trustees must be careful to make sure that this is on the same terms as any other non-commercial user organisation and that no group is either given preference or discriminated against on account of their political opinion. If given for free or at a discounted rate, this may count as a donation to the particular party. The exception to this is where a charity may decline to allow a particular organisation or individual to use its premises because there would be a direct conflict with the charity's purposes, or because of a risk of public disorder or of alienating the charity's beneficiaries or supporters.

4.4.2 Working with other organisations on a campaign

Charities can work with other organisations, not all of them charitable, to further their own charitable purposes. There are, however, certain factors that trustees must take into consideration. These include:

- whether there is reasonable expectation that the arrangement will help to further the charity's purposes
- whether any expenditure can be justified as being an effective use of resources
- whether the political activity that a group or alliance engages in fits with the charity's own purposes
- potential for leakage of charity funds, that is, money contributed for a coalition or alliance being spent to advance purposes other than those of the charity
- whether there is any risk to the reputation of the charity
- whether the risks of participating are outweighed by the benefits.

4.5 Important considerations for charity trustees

Before engaging in political activity or campaigning, charity trustees should consider what they hope to achieve, the best methods for achieving this, and how they will go about minimising any associated risks. In planning their activity it is important that charity trustees consider having a strategy which assesses:

- the objectives of the activity
- the best methods for achieving those objectives
- how it will further the charity's purposes

- the associated risks, including risks to the charity's reputation
- the resources required
- the evidence base for any engagement
- whether consultation with stakeholders is required
- how the activity compares with alternative options.

This is to help ensure that trustees are satisfied that the activity is in the best interests of the charity, that they understand the legal framework, and the charity's resources, as well as public trust and confidence in the charity, are protected. [Appendix 1](#) of this guidance sets out a checklist to help trustees to assess any planned political activity or campaigning to make sure that they have considered the guidelines.

4.5.1 Managing risk

As with any activity, political activity and campaigning carry some risks, which trustees must manage. It is the responsibility of a charity's trustees to identify and review the major risks to which a charity is exposed and to put in place systems or actions to mitigate those risks. This may include having criteria against which the charity determines the risks and benefits of any proposed campaign, keeping evidence of engagement with politicians from across a range of parties, having an evidence base for policy campaigns and having planned activities scrutinised at the appropriate levels of authority.

Not all risks can be avoided and high profile campaigning may have the potential both to enhance and to damage a charity's reputation. It is important therefore that trustees consider the benefits and the risks of any political activity or campaign. For example, there is a risk that the charity's reputation, and public trust and confidence in the charity, could be damaged if its activity is perceived as supporting one political party over another.

Additionally, charities engaging in high profile campaigning need to be aware that anyone who disagrees may choose to make a complaint about it, which could lead to the involvement of the Charity Commission for Northern Ireland. This may be the case even where the charity has remained independent. In a recent example, a charity was reported to the Charity Commission for England and Wales (CCEW) by a Member of Parliament on the grounds that its activity on the social media platform Twitter amounted to party political activity. For example, it had used a number of hashtags used by the Labour Party. The MP also raised concerns about links between a senior member of the charity's staff and

the Labour party. CCEW got involved because of a concern that the public perception of the charity's independence could have been adversely affected by its social media activity. It investigated and published an [operational compliance report](#) which found that the charity had adequate procedures in place to weigh up risk and to maintain the charity's independence, was focused on fulfilling the purposes of the charity, and had complied with CCEW guidance on political activity and campaigning.

4.6 Case studies

The following case studies provide some examples of what would, and would not, be acceptable under charity law.



A charity established to provide support to individuals with a disability publishes a leaflet setting out its position on welfare reform proposals. The charity uses evidence from research undertaken amongst its stakeholders to encourage a particular course of action. They use the leaflet to raise awareness amongst the general public and as the basis of meetings with politicians from a range of parties, inviting politicians from all local parties to attend a debate to discuss the issues.

This would be acceptable under charity law as the charity's activities are clearly to advance their purposes, their position is evidence based and they ensure they remain independent and neutral of party politics.



A charity established to promote animal welfare disagrees with a government policy regarding the control of disease amongst wild animals. The charity uses its website and social media to urge its supporters and members of the public to support political parties other than those in government. By focusing on the parties, rather than the specific policy, the charity is not maintaining its independence and neutrality of party politics.

This is not acceptable under charity law. It would, however, be acceptable if the website focused instead on promoting the policy, rather than the parties.



An organisation established to promote general health plans to campaign to raise the minimum age at which alcohol can be consumed. The charity links alcohol consumption to poor health, drawing on research and statistics. The campaign is part of a broader programme of activity that the charity engages in to advance its purposes.

This would be acceptable under charity law.



The trustees of an organisation established to advance religion become aware of a high profile campaign to stop a road being built in the local area. The trustees view this as a worthwhile cause and use the charity to publicly endorse the campaign and donate funds.

This would not be acceptable under charity law as the activity is not aimed at advancing the purposes of the charity.

Section 5: Political activity or campaigning in the run up to an election

In the run up to elections to the European and UK Parliaments, the Northern Ireland Assembly, and some local government elections (where they coincide with the regulated period for UK, European or Northern Ireland Assembly elections), charities that are engaging in political activity or campaigning must take special care to ensure that they are independent and do not align with any political party.

Additionally, charities need to be sure that they comply with electoral law. There may be requirements for a charity to register with the Electoral Commission as a non party campaigner where their activity meets certain criteria. The period in which activity is regulated under electoral law starts earlier than when an election is called. The relevant dates are published on the Electoral Commission's website.

The Electoral Commission, together with the UK charity regulators, has produced guidance on *Charities and Campaigning* to help charities understand their legal obligations. It is important that charity trustees read the Electoral Commission's guidance as the rules can be complex and have recently changed with the introduction of the [Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act](#) in January 2014 which comes into effect on 19 September 2014.

The guidance should enable charities to use their voice effectively, and use political activity and campaigning to help achieve their purposes, whilst remaining within the limits of both charity law and electoral law.

5.1 Charity law: key principles

A guiding principle of charity law is that charities must remain independent of party politics. This is the case at all times, not just in the run up to an election. However, when an election has been called, it is important that charities take particular care when undertaking any political activity or campaigning to ensure that they are, and are seen to be, independent of party politics.

There are a number of specific areas where charities or members of the public may have questions as to what is and is not acceptable activity for a charity in the run up to an election or referendum:

- promoting a policy position
- publishing campaign material
- supporting or opposing a political party
- supporting or opposing a candidate
- providing facilities
- campaigning on the outcome of a referendum.

5.1.1 Promoting a policy position

A charity's policy position on a particular issue may coincide with, or be more or less similar to, that of one of the political parties. In this case, the charity can continue to campaign on that issue. It can advocate its policy so long as it makes clear its independence from any political party advocating the same policy, and does nothing to encourage support for any political party. The charity can do this using publicity material including printed leaflets, media interviews, its website and social media.

It would not be lawful for a charity to produce an information leaflet stating its policy position, the name of the political party that shares this position, and a statement encouraging people to vote for that party in order to get the policy outcome.

A charity can, however, raise awareness of and publish the views of political parties or candidates on a particular policy. For example, if a housing charity supports the building of 100,000 new homes in an area, it can outline the housing policies of each party, including how many new homes each party is committed to building, provided it does not call on people to vote for one party or another.

The key principle under charity law is that, while a charity can attempt to raise awareness and influence public opinion in relation to a particular policy, provided it furthers their purposes, it must never engage in party political activity and must not encourage the electorate to vote for one party or another.

5.1.2 Publishing campaign material

A charity may use publicity material to publicise the issues it feels are important in the election, for example, by publishing a manifesto publicising the issues it campaigns on and, in particular, any changes it is calling for on behalf of its beneficiaries. This is acceptable where the charity is trying to persuade the political parties to adopt the policies which it advocates, or is simply trying to raise the public profile of those issues. It is not acceptable, however, to call on people to vote for one party or

another. While charities can attempt to influence public opinion on a particular issue if it furthers their purposes, they must leave the electorate to make their own decisions about how to vote.

If a charity is approached by a political party for permission to refer to the charity in its manifesto the charity should refuse the request. This is because of the risk that the charity will be appearing to endorse the political party itself. There may be limited contexts in which a political party can refer to a charity in its manifesto, for example, where material or research published by the charity is referenced as a source of information.

Campaigning material may fall within the Electoral Commission's remit and a charity's spend on such material may be regulated. Refer to the [Charities and Campaigning](#) guidance on the Electoral Commission's website for further information.

5.1.3 Supporting or opposing a political party

Charities must not support or oppose a political party and must not donate funds to political parties. This includes support in kind, for example, providing access to services or facilities at a reduced rate or free of charge. Charities are free to invite candidates and political party representatives to public meetings about issues, on which the charity is campaigning, for example, by inviting candidates to a debate on those issues or to speak at a reception to launch the charity's campaign. One way of doing this, whilst remaining independent of party politics, would be to invite representatives from across the political spectrum.

This can be difficult to achieve in practice, and does not mean that all parties have to be represented or invited every time a charity does any work which engages with political parties. It is up to the trustees of the charity to ensure a balance is reached which ensures the charity cannot be accused of favouring, or discriminating against, one or more parties.

For example, it would not be acceptable for a charity to hold a series of debates and invite only one political party to attend. However, to ensure an event is manageable, the trustees may decide to invite only a representative from each party standing in their local area. If a charity is advised by the police that the presence of a particular candidate at an event will create a risk of disorder, that would be a good reason for not inviting them. It is also open to charities to decide not to invite a representative from a political party whose presence or views are likely to alienate the charity's supporters. It is important for trustees to consider

the potential outcome of each course of action, and ensure that they reach a decision based on the best interests of the charity.

There are circumstances in which **hustings** may be regulated by the Electoral Commission. Refer to the *Charities and Campaigning* guidance on the Electoral Commission's website for further information.

5.1.4 Supporting or opposing a candidate

A charity can approach the candidates in an election, setting out the charity's concerns, and asking for the candidates' opinions on them, with a view to promoting debate. However, charities should be careful of associating, or becoming associated in the minds of the public, with a particular candidate. Where the charity supports a popular cause, candidates may see a benefit to themselves in being seen to support the charity, but the charity should be careful to ensure that it is not seen as reciprocating that support.

Charities must not assist candidates with their election campaigns, financially or otherwise. Individual members of a charity may of course choose to assist any candidate in a personal capacity, but officers and employees of a charity should not use their position in any campaigning activities in such a way as to suggest that the charity endorses any candidate.

If a trustee, volunteer or employee is directly engaged in a charity's campaigning activity, and also has personal involvement with one particular political party, for example they are standing as a candidate, they should declare this to the charity. The trustees should then consider this potential conflict of interest and assess the risks for the charity in terms of both reputation and legal liability of the person taking on both roles simultaneously. Political party affiliations among trustees, volunteers, staff and, potentially, donors, can impact on the perception of a charity as neutral and independent of party politics, and should be appropriately managed.

5.1.5 Providing facilities

Some charities may be required to make their premises available to candidates to hold public meetings free of charge. Where this is not the case, but a candidate wishes to use a charity's premises, for example a community centre, for a public meeting, then it should be treated as a normal commercial hire and charged for at a rate decided by the trustees

and applied equally to bookings by all candidates. Charities must make sure that their governing document does not prohibit them from doing so.

A charity may refuse to hire facilities to a candidate, party or other group if the charity trustees have good reason to believe that to do so would alienate the charity's beneficiaries or supporters, or are advised by the police that to do so would create a risk of public disorder.

A charity must not offer to hire facilities to one party at a more preferential rate than to another, or refuse to hire facilities to one party without a good reason. To do so would risk the charity being seen as favouring one party, risking its reputation independent of party politics, and may constitute a donation to a political party. Further, it may be a breach of the [Fair Employment and Treatment \(NI\) Order 1997](#).

5.1.6 Campaigning on the outcome of a referendum

The principles that govern political activity by charities in the run up to an election also apply in the run up to a referendum. This means that, depending on the nature of the referendum issue or question, there may be some circumstances in which it is appropriate for a charity to set out the positive and negative aspects of a yes or no vote for their beneficiaries.

For example, if the outcome of a referendum will have a particular impact on older people, it would be appropriate for a charity that works with older people to explain the potential effects of the different outcomes to its beneficiaries. A charity which exists to promote good citizenship might want to encourage people to participate in the process.

In doing so, however, trustees must consider carefully how such activity advances their charitable purposes and how they will ensure that they maintain their independence. Where charities wish to campaign for a 'yes' or 'no' vote in a referendum, the trustees should be satisfied that the outcome of the referendum is likely to directly impact, positively or negatively, on the delivery of their charitable purposes. Depending on how much they plan to spend on such activity, they may also need to register with the Electoral Commission.

5.2 Registering with the Electoral Commission

When undertaking political activity or campaigning, charities must ensure that they are compliant with charity law. In addition, spending on some campaigning activities may also be regulated by the Electoral Commission in the run up to certain elections.

The Electoral Commission, together with the UK charity regulators, has produced guidance specifically on *Charities and Campaigning* which will help you decide whether your spending on campaigning is likely to be regulated by the Electoral Commission and whether you will need to register with them. Additionally, the Electoral Commission publishes specific guidance in the run up to each election.

If your charity will be campaigning in the run up to an election, you should read the *Charities and Campaigning* guidance as well as other relevant guidance for non-party campaigners produced by the Electoral Commission. For example, there are campaigner updates, guidance setting out important considerations for joint campaigning, and guidance on the criteria the Electoral Commission applies to consider whether particular campaigns are regulated. This guidance is available on the Electoral Commission's website www.electoralcommission.org.uk

It is likely that most activity undertaken by charities in the run up to an election **will not** be regulated, and will not require the charity to register with the Electoral Commission. The table on the next page sets out important information that charities in Northern Ireland need to consider in determining whether their campaigning activity may be regulated by the Electoral Commission.

5.2.1 Key information

The following table sets out some key information for charities in Northern Ireland.

Area of guidance	Information specific to Northern Ireland	Examples
<p>Activities where spending is regulated by the Electoral Commission</p>	<p>Across the UK, spending on a range of activities may be regulated where the activities meet the legal rules set out by the Electoral Commission. Broadly, these are that activities are regulated if they can reasonably be regarded as intended to influence voters to vote for or against political parties or categories of candidates, including political parties or categories of candidates who support or do not support particular policies or issues. Activities include:</p> <ul style="list-style-type: none"> • press conferences or other media events • transport in connection with publicising a campaign • producing or publishing election material • canvassing and market research • public rallies and public events • associated staff costs (not volunteers). <p>In Northern Ireland, there is a specific exclusion for public processions or protest meetings where notice has been given under the Public Processions (Northern Ireland) Act</p>	<p>In the month before a UK Parliamentary election, a Northern Ireland charity decides to hold a public event where it invites candidates to debate a number of issues relating to the charity's purposes. The charity broadcasts the event on its website. One of the parties holds a very similar policy position to one which the charity is promoting. The activity meets the requirements of charity law.</p> <p>Because the activity could be regarded as intended to influence voters, it may meet the Electoral Commission rules and be regulated, requiring the charity to register with the Electoral Commission if it spends more than £10,000 during the regulated period.</p> <p>If the charity invited politicians from all the parties, and was not itself campaigning on any policy issue closely aligned with a party, spending on the activity is less likely to be regulated.</p>

Area of guidance	Information specific to Northern Ireland	Examples
	<p>1998 as these are regulated by the Parades Commission and do not fall within the definition of regulated activity. Charity law requirements do still apply to any charity considering in engaging in this activity.</p>	
<p>Threshold for registration with the Electoral Commission</p>	<p>In Northern Ireland the threshold for registration is £10,000. This means that a charity is only required to register with the Electoral Commission when spend on regulated activity is more than £10,000.</p>	<p>Continuing the example above, if the activity is regulated, the charity must add up its spending on organising the event and broadcasting it, including staff costs, publicity and IT support. The total costs are £12,000.</p> <p>The charity is required to register with the Electoral Commission as this is more than the £10,000 threshold.</p>
<p>Working in a coalition</p>	<p>If the charity is working on a joint campaign during a regulated period, the spend of all members is combined and all members will be required to register with, and report to, the Electoral Commission unless a 'lead campaigner' takes on the reporting for the coalition.</p>	<p>For example, where one charity spends £2,500 on regulated activity in a joint campaign and the other spends £9,000, the total spend is £11,500.</p> <p>Both charities would be required to register and report to the Electoral Commission unless one charity takes on the role of 'lead campaigner' and accounts for the</p>

Area of guidance	Information specific to Northern Ireland	Examples
		<p>spending of each of the organisations.</p> <p>It is important to note that the trustees of both organisations remain responsible for ensuring that their activity is in accordance with both charity law and electoral law.</p>
<p>Upper spending limits for Northern Ireland Assembly Elections</p>	<p>In Northern Ireland, registered campaigners can spend a maximum of £15,300 on regulated activities during the regulated period in the run up to a Northern Ireland Assembly election.</p>	<p>For example, a charity records spend of £8,000 against an event that meets the Electoral Commission criteria for regulated activity. It is planning a similar follow up event, and must manage the spend carefully, as it would not be permitted to spend more than £7,300 on this activity.</p>
<p>Upper spending limits for UK Parliamentary elections</p>	<p>In Northern Ireland, registered campaigners can spend a maximum of £30,800 on regulated activities during the regulated period before a UK Parliamentary election.</p> <p>It is important that charities monitor their spend across the regulated period as the sum total of their regulated activities must not exceed £30,800.</p>	<p>For example, a charity records spend of £15,000 against an event that meets the Electoral Commission criteria for regulated activity. It is planning a follow up campaign including development, design, print and distribution of leaflets. It would not be permitted to spend more than £15,800 on this activity.</p>

Area of guidance	Information specific to Northern Ireland	Examples
<p>Spending limits within constituencies</p>	<p>There is no limit on spend within constituencies for Northern Ireland Assembly elections and European elections. There is, however, a limit of £9,750 per constituency for UK Parliamentary elections in addition to the national spending limit.</p>	<p>For example, in the regulated period before a UK Parliamentary election, a charity that registers with the Electoral Commission can spend up to £30,800 on regulated campaign activity in Northern Ireland. It can only spend up to £9,750 in any one constituency and there are also rules on attributing any national spending to every constituency that will count towards the constituency limit.</p>
<p>Regulated period</p>	<p>The regulated period for Northern Ireland Assembly elections is the 4 months leading up to the election.</p> <p>For the 2015 UK Parliamentary election only, the regulated period is 7.5 months beginning on 19 September 2014. For all other UK Parliamentary elections, the regulated period is one year before the election. The shorter period for the 2015 election was planned to give time for campaigners to prepare for the new rules.</p>	<p>In normal circumstances, if a Northern Ireland Assembly election is scheduled for 5 May 2016, the regulated period will commence 6 January 2016.</p> <p>The Electoral Commission will prepare updated guidance ahead of the Northern Ireland Assembly (and other devolved) elections in 2016 which will explain how the rules will apply to those elections, and the implications of any overlap in regulatory periods.</p>

Section 6: If you have a concern about a charity

If you have a concern about a charity's purposes, or its involvement in political activity or campaigning, you can submit a concern to the Commission. Further information is available on our website www.charitycommissionni.org.uk

We carry out an initial assessment of each concern we receive, which helps us to determine the best course of action. Where there is sufficient evidence, and the issue is within our remit, there are a range of options available. We will generally aim to resolve the situation with guidance however we may need to take regulatory action where there has been misuse of charity resources or misconduct. Any action taken will depend on the circumstance of the case, the scale and nature of the activity in question, and the extent to which the charity has sought to comply with this guidance.

It is important to note that, where you disagree with a charity's point of view on an issue of policy, or the stance it has taken on a campaign, this does not necessarily mean that the charity has taken a party political stance which is not compliant with this guidance. A charity can campaign using emotive or controversial material provided this is lawful and reasonable in the context of the campaign.

It may be appropriate for us to refer you to another body, for example the Electoral Commission or the Advertising Standards Authority.

Appendix 1: Checklist for trustees

	Yes	No	Justification notes
Does the governing document of our charity allow this activity?			
Will this activity further the purposes of our charity?			
Does the activity allow our charity to remain independent and not align itself with a political party?			
Have we considered the potential risks, for example, reputational, financial, perception of party political bias?			
Do the potential benefits outweigh the risks?			
Can we justify the resources required?			
Can we monitor and evaluate success?			
Have we considered consulting with stakeholders?			
Have we considered any additional legal requirements, eg registering with the Electoral Commission?			
Have we read and considered the Electoral Commission's relevant guidance?			

Appendix 2: Glossary

Term	Definition
Activities	We use this term when talking about what organisations do in order to achieve their purposes.
Breach of trust	Any abuse of power, or failure (whether or not it is deliberate, dishonest, or negligent) to carry out the general and fiduciary duties of a trustee. For charity trustees these duties may be found in the provisions of a charity's governing document, laws and regulations, or orders of the Court or the Commission.
Campaigning	<p>This refers to awareness-raising and to efforts to educate or involve the public by mobilising their support on a particular issue, or to influence or change public attitudes. Campaigning includes efforts to ensure that existing laws are observed. Examples of campaigning include, but are not limited to:</p> <ul style="list-style-type: none"> • a children's charity drawing attention to the symptoms of child abuse • a health charity promoting the benefits of a balanced diet in reducing heart problems • a human rights charity calling on a governing to observe certain fundamental human rights • a disability charity calling for existing legislation to be adhered to in order to ensure that all children with special educational needs receive the support they are entitled to in order to access learning.
Charities Act (Northern Ireland) 2008	<p>The Charities Act (Northern Ireland) 2008 is the main piece of legislation establishing the Charity Commission for Northern Ireland, setting out its functions and powers.</p> <p>References to 'the Charities Act' are to the Charities Act (Northern Ireland) 2008 (as amended). The full content of the 2008 Charities Act can be found at www.legislation.gov.uk</p> <p>Not all of the sections of the Charities Act are in force yet. Details of those sections that are in force</p>

Term	Definition
Charities Act (Northern Ireland) 2013	<p>are available on the Commission's website www.charitycommissionni.org.uk</p>
	<p>The Charities Act (Northern Ireland) 2013 is a much shorter act and was primarily brought in to amend the definition of a charity in the Charities Act (Northern Ireland) 2008.</p> <p>The full content of the 2013 Charities Act can be found at www.legislation.gov.uk</p>
	<p>These are the people who are legally responsible for the control and management of the administration of the charity. In the charity's governing document they may be called trustees, managing trustees, committee members, governors or directors or they may be referred to by some other title.</p> <p>Some people are disqualified by law from acting as charity trustees. These disqualifications are set out in the Charities Act and broadly include but are not limited to anyone who:</p> <ul style="list-style-type: none"> • has been convicted of an offence involving deception or dishonesty, unless the conviction is a spent conviction under the Rehabilitation of Offenders (NI) Order 1978 • is an undischarged bankrupt or has made an arrangement with creditors • has previously been removed as a trustee by the Commission or by the courts • is subject to disqualification under company legislation.
Charity trustees	<p>These are the 12 descriptions of purpose set out in Charities Act:</p> <ul style="list-style-type: none"> • prevention or relief of poverty • advancement of education • advancement of religion • advancement of health or the saving of lives • advancement of citizenship or community development • advancement of the arts, culture, heritage or science
Descriptions of charitable purpose	

Term	Definition
	<ul style="list-style-type: none"> • advancement of amateur sport • advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity • advancement of environmental protection or improvement • relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage • advancement of animal welfare • any other charitable purpose.
Established	<p>Founded, instituted, built or brought into being on a firm or stable basis.</p>
Governing document	<p>A charity's governing document is any document which sets out the charity's purposes and, usually, how it is to be administered. It may be a trust deed, constitution, memorandum and articles of association, conveyance, Will, Royal Charter, Scheme of the Commission or other formal document.</p>
Hustings	<p>A hustings event is a meeting where election candidates or parties debate policies and answer questions from the audience.</p>
Political activity	<p>This refers to activity by a charity which is aimed at advancing its charitable purposes by securing or opposing a change in the law or in the policies of government or another public body, whether in this country or abroad. It includes activity aimed at preserving an existing law where a charity opposes its removal or amendment. This differs from activity aimed at ensuring that an existing law is observed, which falls under the definition of campaigning. Examples of political activity include, but are not limited to:</p> <ul style="list-style-type: none"> • a health charity raising public support for a change in the law on the sale of alcohol • an arts charity seeking to influence political parties or candidates on the charity's position • responding to consultations carried out by

Term	Definition
Public benefit	<p>political parties or by government.</p> <p>The Charities Act sets out a legal requirement that all charities have purposes that are for the public benefit.</p> <p>These are the two elements of public benefit:</p> <ol style="list-style-type: none"> 1. Benefit: This is about the benefit flowing from the charity's purposes. For a charity's purposes to satisfy the benefit element of public benefit, that benefit must have three key features, it must: <ul style="list-style-type: none"> • flow from the charity's purposes • be capable of being demonstrated • be beneficial, not harmful. 2. Public: This is about who may benefit from the charity's purposes. For a charity's purposes to satisfy the public element, the benefit which may flow from those purposes must: <ul style="list-style-type: none"> • be to the public or to a section of the public • not provide a private benefit to individuals unless this benefit is incidental.
Public bodies	<p>All departments and agencies of government, whether in Northern Ireland, UK or overseas for example health trusts, European Union, local councils.</p>
Purposes	<p>The purposes of a charity will usually be defined by what its governing document says that it is set up to do.</p> <p>According to the Charities Act, all the organisation's purposes must:</p> <ul style="list-style-type: none"> • fall under one or more of the list of 12 descriptions of charitable purposes in the Charities Act and • be for the public benefit.

Useful information

Charities and Campaigning (Electoral Commission guidance)

Electoral Commission suite of guidance

Public benefit requirement statutory guidance

Registering as a charity

Running your charity

Useful contacts

Below is a list of contacts which you may find useful.

Advertising Standards
Authority

Mid City Place
71 High Holborn
London
WC1V 6QT

Telephone: 020 7242 3696

Website: www.asa.org.uk

Charity Commission for
England and Wales (CCEW)

PO BOX 1227
Liverpool
L69 3UG

Telephone: 0845 300 0218

Website: www.charitycommission.gov.uk

Electoral Commission

The Electoral Commission
Ground Floor, 4 Cromac Place
The Gasworks
Belfast BT7 2JB

Telephone: 028 9089 4020

Website: www.electoralcommission.gov.uk

Equality Commission for
Northern Ireland

Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

Telephone: 028 9050 0600

Website: www.equalityni.org

HM Revenue and Customs
(HMRC)

HM Revenue & Customs
Charities Correspondence S0708
PO Box 205
Bootle
L69 9AZ

Telephone: 0845 302 0203

Website: www.hmrc.gov.uk/charities

Human Rights Commission
for Northern Ireland

Temple Court
39 North Street
Belfast
BT1 1NA

Telephone: 028 9024 7844

Website: www.nihrc.org

Information Commission's
Office

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk

Institute of Fundraising

Institute of Fundraising
Park Place
12 Lawn Lane
London
SW8 1UD

Telephone: 020 7840 1000

Website: www.institute-of-fundraising.org.uk

Northern Ireland Council
for Voluntary Action

61 Duncairn Gardens
Belfast
BT15 2GB

Telephone: 028 9087 7777

Website: www.nicva.org

Northern Ireland Local
Government Association
(NILGA)

Unit 5B Castlereagh Business Park
478 Castlereagh Road
Belfast
BT5 6BQ

Telephone: 028 9079 8972

Website: www.nilga.org

If you disagree with our decision

If you disagree with one of our decisions, we would like to reconsider it ourselves in the first instance. Our decision review procedure offers a genuine opportunity for our decisions to be looked at afresh. If you ask us to review a decision, where possible we will refer the matter to someone who did not make the original decision. You can also seek a review from the Charity Tribunal.

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 Charity Commission for Northern 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 Charity Commission for Northern Ireland 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.

Further information on our activities is available from:

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

www.charitycommissionni.org.uk

Email: admin@charitycommissionni.org.uk
Tel: 028 3832 0220
Fax: 028 3834 5943
Text Phone: 028 3834 7639

 Follow us on Twitter @CharityCommNI



This document is available in large print or other formats on request