

Campaigning

the guidance and lessons from the election

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Background

- Charities have a long history of campaigning and political activity
- As charities you have considerable freedom within the legal and regulatory guidelines to speak out, to use your voice and influence, and to campaign for change to help achieve your charitable purposes but there are limits
- It is often a high profile area of activity ...

The guidance – an overview (1)

- Charities must always stick to their mission – the charitable purposes for which they were established
- A political purpose cannot be a charitable purpose
- Campaigning and political activity are **a means to an end**

The guidance – an overview (2)

- Charities **must never engage in party political activity**
- Must remain independent and politically neutral
- Must not give support or funding to a political party, candidate or politician
- Must not be used as a vehicle for expression of a trustee's own political views
- Charities must guard their independence and reputation

Definitions - campaigning



An important distinction: campaigning...

(1) Campaigning

- awareness-raising
- educating or involving the public by mobilising their support
- trying to influence or change public attitudes
- campaigning activity which aims to ensure that existing laws are observed
- examples ...

Political activity

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... political activity

(2) Political activity

- activity aimed at securing, or opposing, any change in the law / in the policy or decisions of central government / local authorities / other public bodies, whether in this country or abroad
- includes activity to preserve an existing piece of legislation, where a charity opposes it being repealed or amended
- *Note – it may coincide with policy or legislative changes also advocated by a political party*

Why it matters

- Campaigning can directly **further** your charity's purposes – political activity can only **support** them
- Political activity must not become the charity's reason for existing
- Campaigning and political activity must be related to the charity's purpose
- Party political activity is never permissible

Questions when considering political activity

- How would this support the purposes of my charity?
- How likely is it that the campaign will achieve its objectives? How long will it take?
- Is this the best way to achieve those objectives?
- What are the risks to my charity (reputational, financial or otherwise?)
- What evidence is there to support answers to the questions above?

Keep in mind...

- Is my charity non-party political, and seen to be so?
- Is all our campaign material factually accurate and supported by evidence?
- Risks/benefits of using emotive material?
- Effective use of charitable resources?
- Is there an election coming up?

Campaigning in a coalition

- Charities can join a coalition which includes non charities
- Must guard against 'leakage of funds'
- Need to be aware that some of the coalition's activities may not fit with the charity's purpose – in which case may need to withdraw temporarily

Emotive material

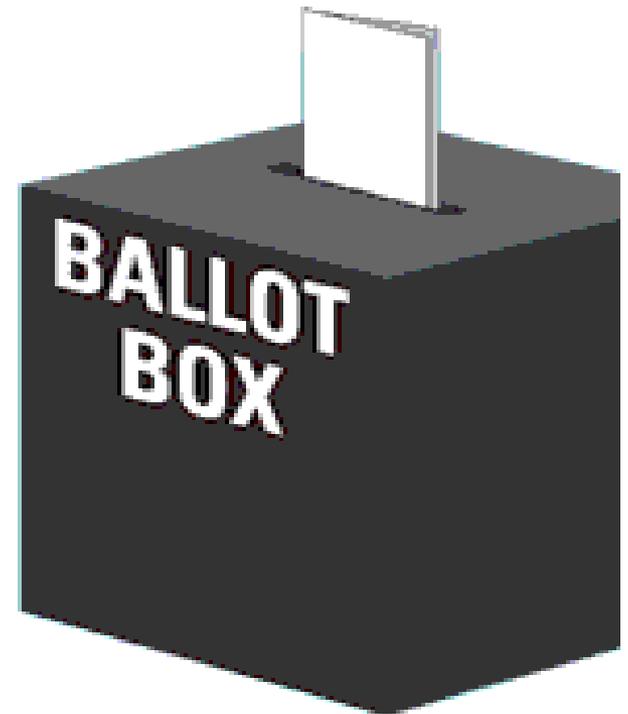
- Yes – but only where it can be justified in the context of the aims of the campaign
- Must be factually accurate and have a well-founded evidence base
- Example: Barnardo's "Break the Cycle" TV advert (2009) – ASA judged it to be too emotive ...

Campaigning using social media

- a charity may use any reasonable method to campaign, so long as
 - it is lawful
 - it is an effective use of charitable resources
- there are pitfalls to consider and manage
- the same principles apply regardless of the method

Charities and Elections – CC guidance

- **Publicising a charity's policy position** – a charity can outline the policy of each political party but must steer clear of making explicit comparisons
- **Manifestos** – to influence issues a charity campaigns on, but they must not aim to influence voter behaviour



Charities and Elections – CC guidance

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- Working with minority parties
 - You must have good reasons not to invite someone from a particular party, eg risk of public disorder
- Electoral law – 3rd party registration
 - The requirement to register might apply to your charity

The Lobbying Act 2014

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The Lobbying Act 2014

- Regulates spending on campaigning activity by non-party campaigners, referred to as ‘third parties’
- In advance of an election, the requirement to register as a third party *might* apply to your charity
- See *Charities and Elections* guidance published by the Electoral Commission
http://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/165961/intro-campaigning-charities-npc.pdf

Review of Lobbying Act

- **Third Party Campaigning Review: call for views and evidence up until 31 July 2015**
- **www.gov.uk/government/consultations/third-party-campaigning-review-call-for-views-and-evidence**

Some examples from 2010 general election

- Telling a charity not to allow its logo to be used on candidates' websites
- Advising charities of need to moderate comments published on on-line forums they were hosting, to avoid party political statements being made
- Telling a charity that election posters displayed in a charity shop must be removed
- Advising that an on-line game featuring a party leader be removed from a charity's website

Lessons from the 2015 election

- A few high profile cases
- But mostly basic, easy to avoid mistakes
- A common concern was charities appearing to support a political party or candidate eg charity shop employee standing as a candidate and using the premises to distribute their election materials

Use our website ...

- Commission does receive complaints – not everyone will like your campaign
- Use our website to learn from other charities' experiences and
- Ensure your charity is following the guidance and keeping a record of its decision-making

Guidance and further information

- www.charitycommission.gov.uk