

# BACKGROUND BRIEFING

## CHARITIES AND CAMPAIGNING

Charities have a rich history in achieving change through their campaigning work. By helping to shape policy and legislation they can positively influence the lives of their beneficiaries and wider society. Campaigning by charities is also a fundamental element of an open democracy.

### Charity Law

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Charities have a duty to do all they can in order to further or support their charitable purposes and campaigning is a valuable and practical way that charities can achieve this.

The Charity Commission's guidance, CC9 Speaking Out: Guidance on Campaigning and Political Activity, outlines the type of campaigning and political activities that charities can undertake, and to what extent, as required by charity law. Charities must be mindful to always follow the guidance set out in CC9.

Charities can engage in campaigning and political activity to further or support their charitable purposes and CC9 defines and makes a distinction between the two. However, a charity's activities must never be party political.

Campaigning activity involves:

- educating and engaging the public
- trying to influence and change attitudes
- raising awareness
- ensuring that existing laws are observed

Political activity is anything that is aimed at creating, or opposing a change in the law or policy or decisions of central government, local authorities or other public bodies, whether in this country or abroad. Political activity can therefore include things such as raising public support for such a change, and seeking to influence political parties and decision makers.

## The Lobbying Act

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When campaigning, charities must comply not only with charity law but with other laws that may apply.

In particular, in the run up to an election, there are additional rules set out by the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 (Lobbying Act).

Charities must be aware of these rules as non-party campaigners.

Non-party campaigners are people and organisations that campaign around the elections but are not standing as candidates and are not registered political parties.

The Act requires third party campaigners, including charities, to register with the Electoral Commission if:

- their campaigning activity could be reasonably regarded as intended to promote or procure electoral success for an individual party or candidate.
- the campaigning activity, including staff costs, will cost more than £20,000 in England, or £10,000 in Scotland, Northern Ireland or Wales .

The Lobbying Act builds on the Political Parties, Elections and Referendums Act 2000 (PPERA), which already set out rules on campaigning in the run up to elections. The Lobbying Act:

- increases the threshold at which non-party campaigners must register
- introduces a broader range of regulated activities
- introduces new constituency limits
- reduces the overall amount non-party campaigners can spend on regulated activities.

Once registered, non-party campaigners must report to the Electoral Commission on a number of issues surrounding their campaigning expenditure, and they must ensure they do not exceed an overall spend of £319,800, or £9,750 in a single constituency, on regulated activities during the regulated period

The government has argued that the aim of the Act is not to stop charities from campaigning altogether. The stated aim is to achieve transparency of expenditure on activities aimed at influencing voters' decisions on election issues.

However, NCVO and other charities have expressed concern that the Act will have a chilling effect on their campaigning activities, due to the broad definition of what constitutes ‘electoral expenditure’.

## The Compact

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The Compact is an agreement between the government and the voluntary sector outlining ways of working together to improve and maintain relationships for mutual advantage. As part of this the Compact safeguards the voluntary sector’s independence, outlining its right within the law to campaign and challenge government policy without undue interference.

The Compact has complete cross party support, and is established within every government department.

## Key issues

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Campaigning is an activity that is widely accepted by the public. A recent opinion poll showed that 58% of the public agreed charities should be able to campaign to change laws and policies relevant to their cause. Further than this, 96% didn’t see campaigning as a reason to not give money to a charity<sup>1</sup>.

Despite the public being largely behind charities’ right to campaign, the sector is seeing increasing criticism from parts of the media and some politicians. Often the criticisms levelled have been that charities are engaging in campaigning activity that is too political and should not be within their remit. There is also an increasing negativity surrounding the relationship between charities that receive money from the government whilst engaging in campaigning. For example, the ‘Sock Puppets’<sup>2</sup> report calls for an end in charities that engage in campaigning receiving unrestricted government funding. It argues that many charities are effectively state funded ‘sock puppet’ organisations that are using government money to lobby them on causes they already support.

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<sup>1</sup> NFP Synergy – The Politics of Charities 2014

<sup>2</sup> <http://www.iea.org.uk/publications/research/sock-puppets-how-the-government-lobbies-itself-and-why>

Concerns about the increasing challenges to charity campaigning are echoed by the latest report of the Panel on the Independence of the Voluntary Sector<sup>3</sup>.

It has found that the independence of the sector is undervalued and under serious threat and is concerned that as a knock on effect, the sector is losing its ability to protect the most vulnerable in society.

## What we believe

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NCVO believes that charities have a right to campaign and that it is a valuable and legitimate activity for them to undertake. The Government must recognise and encourage the sector's right to campaign, as well as respect and value their independence, irrespective of any funding relationship they might have.

NCVO believes that it is crucial for public trust and confidence that charities follow high standards of good practice in campaigning and public affairs.

## Further resources

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[CC9 - 'Speaking Out' - Charity Commission Guidance on Campaigning and Political Activity by Charities](#)

[Charities, Elections and Referendums – Charity Commission Guidance](#)

[The Compact](#)

[Electoral Commission Guidance on Lobbying Act](#)

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<sup>3</sup> <http://www.independencepanel.org.uk/>