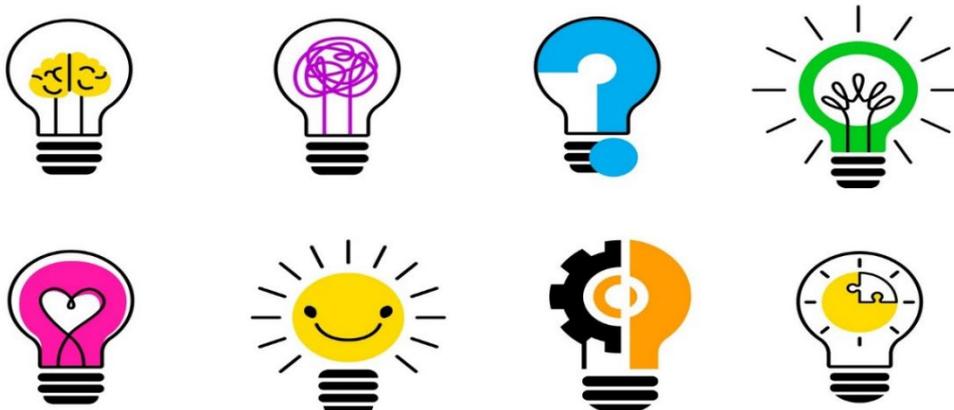


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Charities and political campaigning - staying compliant

A thematic report from the Charity Commission for Northern Ireland



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Introduction

The independent nature of the charitable sector is of fundamental importance to society and is greatly valued by the public. The guiding principle of charity law in terms of campaigning, political activity and elections is that charities should be, and be seen to be, independent of party politics. Charities in Northern Ireland have strong links to their local communities and beneficiaries. They play a valuable role in informing elected representatives while representing their diverse causes.

The Commission's [Charities and politics](#) guidance provides information and advice for charities in Northern Ireland on political purposes, political activity and campaigning. It aims to support charities in ensuring they retain the essential quality of independence, meet the requirements of charity law and use their voice effectively at election times.

Through the publication of this thematic report, we wish to remind charity trustees of their obligation to comply with the law regarding political lobbying. This in turn will serve to promote the transparency and accountability of the charity sector. At all times, but particularly during election periods, charity trustees should ensure that their charity's staff and volunteers do not support, or be seen to support, a political party or candidate. The Commission has investigated several cases where a charity's social media pages have been used to support a political candidate. This is not permitted and may result in an intervention by the Commission.

Charity 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 to ensure neutrality and independence.

We hope the examples we have provided here will act as a useful learning tool for charity trustees, staff and volunteers, as well as the public. At the core of all concerns about charities which the Commission receives is good governance; just a few simple checks is all it can take to ensure your charity is, and is seen to be, independent of party politics.

Section 1: Key themes from concerns about charities

As the independent regulator of charities in Northern Ireland, the Commission is tasked with promoting public trust and confidence in charities and ensuring that charities meet their obligations under charity law. Charities must also be aware of their obligations under other legal frameworks and to other regulators such as, in this case, the Electoral Office.

Charities cannot be established for a political purpose. Additionally, certain rules apply where charities hope to change the law or influence government policy through their activity. Many charities carry out some form of political activity or campaigning on a regular basis. Provided this meets the guidelines set out below, and they operate according to principles of good governance, charities should not encounter problems under charity law.

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 a charity are what it is established to achieve, while the activities are what the charity does to advance its purposes.

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.

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.

Example 1: A Charity trustee standing as a political candidate

In the lead up to the Northern Ireland Assembly elections the Commission received a concern relating to a post on social media. The post showed a charity trustee having their candidate nomination forms signed by an employee of the same charity. The post went on to urge people to vote for a particular party in the elections.

Enquiries revealed that the charity employee was a longtime friend and signed the papers in a personal capacity. The charity was signposted to the Commission's [charities and politics](#) guidance. The charity took swift remedial action, removing the social media post.

It was acknowledged that the action was a result of a lack of knowledge on the part of the charity trustee and as swift action was taken, this was considered a sufficient response in the circumstances. No further action was required.

Section 2: What is meant by political activity or campaigning?

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 so 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 Office for Northern Ireland for more information.

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 charity trustees are acting with due care.

A charity's activities, including political activity and campaigning, must be in support of its purposes. A charity must not engage in political activity or campaigning which is not to advance its purposes.

Example 2: Charity gratitude to a candidate

In the lead up to the Northern Ireland Assembly elections the Commission received a concern that a registered charity was using its social media account to encourage support for a particular candidate.

The charity trustees were alerted to the Commission's [charities and politics](#) guidance and they took swift remedial action by removing the social media post. It was acknowledged that the action was a result of a lack of knowledge on the part of the charity trustees and as swift action was taken this was considered a sufficient response in the circumstances. No further action was required.

Section 3: Activity and campaigning must be independent and neutral of party politics

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 may not be related to the charity's purposes. Additionally, a party may change its policy over time in such a way that it would no longer 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.

Charity 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 to ensure neutrality and independence. For example, a charity must never give money to a political party, politician or party political campaign. Equally, charity 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, charity trustees and volunteers and the use of social media, including personal social media accounts.

3.1 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. When planning political activities, 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 charity 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. The Commission's [Charities and politics guidance](#) sets out a checklist at Appendix 1 to help charity trustees to assess any planned political activity or campaigning to make sure that they have considered the guidelines.

3.2 Political activity or campaigning in the run up to the election

In the run up to a Northern Ireland Assembly or General election, 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 Office 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 Office's website: www.eoni.org.uk.

Coming up to elections the Electoral Office produces guidance on *Charities and Campaigning* to help charities understand their legal obligations. It is important that charity trustees read the Electoral Office's guidance as the rules can be complex and changed with the introduction of the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014.

Conclusion

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

Further information

**Charity Commission for
Northern Ireland
Marlborough House
Central Way
Craigavon
BT61 4AD**

Website: www.charitycommissionni.org.uk

Email: admin@charitycommissionni.org.uk

Tel: 028 3832 0220

Follow us on X @CharityCommNI