



## Public benefit guidance

### Table of changes

Previous guidance	What's changed and where to find it?
The Charity Commission's general public benefit guidance, that charity trustees must have regard to, was contained in a single piece of guidance called <i>Charities and Public Benefit</i> .	<p>The public benefit guidance to which charity trustees must have regard is now contained in 3 new public benefit guides:</p> <ul style="list-style-type: none"> <li>• <i>Public benefit: the public benefit requirement</i> (PB1)</li> <li>• <i>Public benefit: running a charity</i> (PB2)</li> <li>• <i>Public benefit: reporting</i> (PB3)</li> </ul> <p>Our set of 3 public benefit guides now explains public benefit in 3 different contexts. It provides a clearer separation between public benefit in the context of what it means:</p> <ul style="list-style-type: none"> <li>• <b>to be a charity</b> - this includes having only charitable purposes which are for the public benefit. This 'public benefit requirement' is defined in the Charities Act 2011</li> <li>• <b>to operate as a charity</b> - this includes carrying out a charity's purposes for the public benefit when running a charity. This duty exists in charity law because public benefit is an integral part of a charity's purposes</li> <li>• <b>to report on a charity's work</b> - this includes reporting on how the trustees have carried out the charity's purposes for the public benefit. This duty is set out in the accounting regulations for charities</li> </ul>
<i>Charities and Public Benefit</i> : Section C1 'What is public benefit?'	An explanation of the public benefit requirement can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 2 'What for the public benefit means'.
<i>Charities and Public Benefit</i> : Section C2 'What are charitable purposes'.	<p>This is no longer included in our public benefit guidance.</p> <p>Guidance on charitable purposes, including the descriptions of purposes in the Charities Act 2011, can now be found in our new guidance <i>What makes a charity</i> (CC4) - Part 3 'About charitable purposes' and Part 4 'About the descriptions of purposes'.</p>

Previous guidance	What's changed and where to find it?
<i>Charities and Public Benefit</i> : Section C3 'What are the principles of public benefit?'	<p>The principles of public benefit have been simplified and renamed the 'aspects' of public benefit.</p> <p>Guidance on the aspects of public benefit can be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 2 'What for the public benefit means'.</p>
<i>Charities and Public Benefit</i> : Section C4 'Charity trustees' public benefit duties'.	<p>Guidance on the trustees' duty to have regard to our public benefit guidance can now be found in Part 1 of each of our public benefit guides.</p> <p>Guidance on the trustees' duty to carry out their charity's purposes for the public benefit can now be found in <i>Public benefit: running a charity</i> (PB2).</p> <p>Guidance on the trustees' duty to report on how they have carried out their charity's purposes for the public benefit can now be found in <i>Public benefit: reporting</i> (PB3).</p>
<i>Charities and Public Benefit</i> : Section D1 'The Charities Act and Public Benefit'.	This is no longer included in our public benefit guidance.
<i>Charities and Public Benefit</i> : Section D2 'What is the legal standing of the Charity Commission's public benefit guidance?'	Guidance on this can now be found in <i>Public benefit: an overview</i> - Part 3 'About our public benefit guidance'.
<i>Charities and Public Benefit</i> : Section D3 'What is the Charity Commission's role in assessing public benefit?'	<p>Guidance on this can now be found in:</p> <ul style="list-style-type: none"> <li>• <i>Public benefit: the public benefit requirement</i> (PB1) - Part 2 'What for the public benefit means': 'Our decisions about public benefit'.</li> <li>• <i>Public benefit: running a charity</i> (PB2) - Part 7 'Not carrying out a purpose for the public benefit'.</li> </ul>
<i>Charities and Public Benefit</i> : Section D4 'When can the Charity Commission consider an organisation's activities when deciding if its aims are charitable for the public benefit?'	<p>This is no longer included in our public benefit guidance.</p> <p>Guidance on this can now be found in our new guidance <i>What makes a charity</i> (CC4) - Annex C 'How the law decides what is a charitable purpose'.</p>

Previous guidance	What's changed and where to find it?
<i>Charities and Public Benefit</i> : Section D5 'How can the Charity Commission's decisions on public benefit be challenged?'	Guidance on this can now be found in: <ul style="list-style-type: none"> <li>• <i>Public benefit: the public benefit requirement</i> (PB1) - Part 2 'What for the public benefit means': 'Challenging a decision made by the Commission'</li> <li>• <i>Public benefit: running a charity</i> (PB2) - Part 7 'Not carrying out a purpose for the public benefit': 'Challenging a decision made by the Commission'</li> </ul>
<i>Charities and Public Benefit</i> : Section D6 'The Charity Commission's approach to applying and interpreting the law in the light of changing social and economic conditions'.	This is no longer included in our public benefit guidance.
<i>Charities and Public Benefit</i> : Section D7 'How will the Charity Commission assess social and economic conditions?'	This is no longer included in our public benefit guidance.
<i>Charities and Public Benefit</i> : Section D8 'When considering what is for the public benefit, to what extent can the Charity Commission take public opinion into account?'	There is no longer a separate section on this in our public benefit guidance.  However, in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 3 'Beneficial purpose', 'What is beneficial' and in Part 4 'Detriment or harm', 'Evidence of detriment or harm' we say that benefit or harm must be capable of being proved by evidence where necessary and not based on personal views.
<i>Charities and Public Benefit</i> : Section E1 'Important factors to consider' [in relation to the Principle 1 of the public benefit requirement: There must be an identifiable benefit or benefits].	Principle 1 is now expressed as 'the benefit aspect' of the public benefit requirement.  Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 2 'What for the public benefit means', 'The benefit aspect'.  See also <i>Public benefit: running a charity</i> (PB2) - Part 3 'Providing benefit'.
<i>Charities and Public Benefit</i> : Section E2 'Principle 1a: It must be clear what the benefits are'.	There is no longer a sub-principle 1a. It is now part of the benefit aspect which states that 'a purpose must be beneficial'.  Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 3 'Beneficial purpose'.

Previous guidance	What's changed and where to find it?
<i>Charities and Public Benefit</i> : Section E3 'Principle 1b: The benefits must be related to the aims'.	<p>There is no longer a sub-principle 1b. It is now part of the benefit aspect which states that 'a purpose must be beneficial'.</p> <p>Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 3 'Beneficial purpose'.</p>
<i>Charities and Public Benefit</i> : Section E4 'Principle 1c: Benefits must be balanced against any detriment or harm'.	<p>There is no longer a sub-principle 1c. It is now part of the benefit aspect which states that 'any detriment or harm that results from the purpose must not outweigh the benefit'.</p> <p>Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 4 'Detriment or harm'.</p> <p>See also <i>Public benefit: running a charity</i> (PB2) - Part 4 'Managing risk of harm'.</p>
<i>Charities and Public Benefit</i> : Section F1 'Important factors to consider' [in relation to the Principle 2 of the public benefit requirement: Benefit must be to the public, or a section of the public'].	<p>Principle 2 is now expressed as 'the public aspect' of the public benefit requirement.</p> <p>Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 2 'What for the public benefit means', 'The public aspect'.</p> <p>See also <i>Public benefit: running a charity</i> (PB2) - Part 5 'Deciding who benefits'.</p>
<i>Charities and Public Benefit</i> : Section F2 'Principle 2a: The beneficiaries must be appropriate to the aims'.	<p>There is no longer a sub-principle 2a. It is now part of the public aspect which states that a purpose must 'benefit the public in general, or a sufficient section of the public'.</p> <p>Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 5 'Benefiting the public, or a sufficient section of the public'.</p>
<i>Charities and Public Benefit</i> : Section F3 'Principle 2b: Where benefit is to a section of the public, the opportunity to benefit must not be unreasonably restricted'.	<p>There is no longer a sub-principle 2b. It is now part of the public aspect which states that a purpose must 'benefit the public in general, or a sufficient section of the public'.</p> <p>Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 5 'Benefiting the public, or a sufficient section of the public', in particular 'What a sufficient section of the public means' and 'Deciding what is a sufficient section of the public'.</p>
<i>Charities and Public Benefit</i> : Section F4 'Geographical restrictions'.	<p>Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 5 'Benefiting the public, or a sufficient section of the public', 'Defining who can benefit on the basis of where people live'.</p>

Previous guidance	What's changed and where to find it?
<i>Charities and Public Benefit</i> : Section F5 'Restrictions based on charitable need'.	Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 5 'Benefiting the public, or a sufficient section of the public', 'Defining who can benefit as people or communities with a particular charitable need'.
<i>Charities and Public Benefit</i> : Section F6 'Restrictions based on personal characteristics'.	Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 5 'Benefiting the public, or a sufficient section of the public' in: <ul style="list-style-type: none"> <li>• 'Defining who can benefit by reference to protected characteristics'</li> <li>• 'Defining who can benefit by reference to a person's skin colour'</li> <li>• 'Defining who can benefit by reference to a person's occupation or profession'</li> <li>• 'Defining who can benefit by reference to a person's family relationship, contractual relationship (eg employment by an employer) or membership of an unincorporated association' and in Annex A 'Different rules for poverty charities'</li> <li>• 'Defining who can benefit by reference to other sorts of personal characteristic, such as their employment status'</li> </ul>
<i>Charities and Public Benefit</i> : Section F7 'Restrictions on access to facilities'.	Guidance on this can now be found in <i>Public benefit: running a charity</i> (PB2) in: <ul style="list-style-type: none"> <li>• Part 5 'Deciding who benefits', 'Physical access to a charity's facilities'</li> <li>• Annex B 'Physical access to a charity's facilities'</li> </ul>
<i>Charities and Public Benefit</i> : Section F8 'Restrictions based on eligibility for membership'.	Guidance on this can now be found in: <ul style="list-style-type: none"> <li>• <i>Public benefit: the public benefit requirement</i> (PB1) - Part 5 'Benefiting the public, or a sufficient section of the public', 'Deciding what is a sufficient section of the public'</li> <li>• <i>Public benefit: running a charity</i> (PB2) - Part 5 'Deciding who benefits', 'Benefits accessed only through membership'</li> <li>• <i>Public benefit: running a charity</i> (PB2) - Annex A 'Benefits accessed through membership'</li> </ul>
<i>Charities and Public Benefit</i> : Section F9 'Restrictions based on trustees' discretion'.	Guidance on this can now be found in <i>Public benefit: running a charity</i> (PB2) - Part 5 'Deciding who benefits', 'Carrying out purposes for the public benefit'.

Previous guidance	What's changed and where to find it?
<i>Charities and Public Benefit</i> : Section F10 'Restrictions based on ability to pay any fees charged'.	Guidance on this can now be found in <i>Public benefit: running a charity</i> (PB2) in: <ul style="list-style-type: none"> <li>• Part 5 'Deciding who benefits', 'Charging for services'</li> <li>• Annex C 'Charging for services'</li> </ul>
<i>Charities and Public Benefit</i> : Section F11 'Principle 2c: People in poverty must not be excluded from the opportunity to benefit'.	Guidance on this can now be found in: <ul style="list-style-type: none"> <li>• <i>Public benefit: the public benefit requirement</i> (PB1) - Part 5 'Benefiting the public, or a sufficient section of the public', 'Deciding what is a sufficient section of the public'</li> </ul>
<i>Charities and Public Benefit</i> : Section F12 'Principle 2d: Any private benefits must be incidental'.	'Private benefit' is now referred to as 'personal benefit'. There is no longer a sub-principle 2d. It is now part of the public aspect which states that a purpose must 'not give rise to more than incidental personal benefit'. Guidance on this can now be found in <i>Public benefit: the public benefit requirement</i> (PB1) - Part 6 'Personal benefit'. See also <i>Public benefit: running a charity</i> (PB2) - Part 6 'Managing personal benefits'.
<i>Charities and Public Benefit</i> : Section G1 'the general reporting duty of charity trustees'.	Guidance on this can now be found in <i>Public benefit: reporting</i> (PB3) - Part 2 'The requirement to report on public benefit'.
<i>Charities and Public Benefit</i> : Section G2 'The requirement to report on public benefit'.	This section pre-dated the introduction of the public benefit reporting requirements and so is no longer included in our new guidance.
<i>Charities and Public Benefit</i> : Section G3 'The public benefit reporting requirement for smaller charities'.	Guidance on this can now be found in <i>Public benefit: reporting</i> (PB3) - Part 2 'The requirement to report on public benefit', 'The public benefit reporting requirement for smaller charities'.
<i>Charities and Public Benefit</i> : Section G4 'The public benefit reporting requirement for larger charities'.	Guidance on this can now be found in <i>Public benefit: reporting</i> (PB3) - Part 2 'The requirement to report on public benefit', 'The public benefit reporting requirement for larger charities'.
<i>Charities and Public Benefit</i> : Section G5 'How charity trustees meet the public benefit reporting requirement'.	Guidance on this can now be found in <i>Public benefit: reporting</i> (PB3) - Part 3 'How to report on public benefit'.
<i>Charities and Public Benefit</i> : Section G6 'The importance of reporting on public benefit'.	Guidance on this can now be found in <i>Public benefit: reporting</i> (PB3) - Part 3 'How to report on public benefit', 'How public benefit reporting can help charities'.

Previous guidance	What's changed and where to find it?
<i>Charities and Public Benefit</i> : Section G7 'The public benefit reporting requirement v the public benefit requirement'.	The whole of this section is no longer included in our new guidance but guidance on what we do as a result of Trustees' Annual Reports that are sent to us can be found in <a href="#">Public benefit: reporting</a> (PB3) - Part 4 'Trustees' Annual Reports sent to the Charity Commission'.
<i>Charities and Public Benefit</i> : Section G8 'Questions to help assess public benefit'.	This is no longer included in our public benefit guidance but related guidance can be found in: <ul style="list-style-type: none"> <li>• <a href="#">Public benefit: an overview</a> - Part 2 'How understanding public benefit helps charities', 'Understanding public benefit'</li> <li>• <a href="#">Public benefit: the public benefit requirement</a> (PB1) - Part 2 'What for the public benefit means'</li> <li>• <a href="#">Public benefit: running a charity</a> (PB2) - Part 2 'Carrying out purposes for the public benefit', 'Running a charity'</li> </ul>
<i>Charities and Public Benefit</i> : Section H1 'Our approach to public benefit assessment'.	Guidance on this can now be found in <a href="#">Public benefit: the public benefit requirement</a> (PB1) - Part 2 'What for the public benefit means', 'Our decisions about public benefit'.
<i>Charities and Public Benefit</i> : Section H2 'Assessing the public benefit of new charities'.	Guidance on this can now be found in: <ul style="list-style-type: none"> <li>• <a href="#">Public benefit: the public benefit requirement</a> (PB1) - Part 2 'What for the public benefit means', 'Our decisions about public benefit'</li> <li>• <a href="#">Public benefit: running a charity</a> (PB2) - Part 7 'Not carrying out a purpose for the public benefit'</li> </ul>
<i>Charities and Public Benefit</i> : Section H3 'Assessing the public benefit of existing charities'.	Guidance on this can now be found in: <ul style="list-style-type: none"> <li>• <a href="#">Public benefit: the public benefit requirement</a> (PB1) - Part 2 'What for the public benefit means', 'Our decisions about public benefit'</li> <li>• <a href="#">Public benefit: running a charity</a> (PB2) - Part 7 'Not carrying out a purpose for the public benefit'</li> </ul>
<i>Charities and Public Benefit</i> : Section H4 'Criteria for assessing public benefit'.	Guidance on this can now be found in: <ul style="list-style-type: none"> <li>• <a href="#">Public benefit: the public benefit requirement</a> (PB1) - Part 2 'What for the public benefit means'</li> <li>• <a href="#">Public benefit: running a charity</a> (PB2) - Part 2 'Carrying out purposes for the public benefit', 'Running a charity'</li> </ul>

Previous guidance	What's changed and where to find it?
<p><i>Charities and Public Benefit</i>: Section H5 'Working with charities that are not meeting the public benefit requirement'.</p>	<p>Guidance on this can now be found in:</p> <ul style="list-style-type: none"> <li>• <i>Public benefit: the public benefit requirement</i> (PB1) - Part 2 'What for the public benefit means', 'Our decisions about public benefit'</li> <li>• <i>Public benefit: running a charity</i> (PB2) - Part 7 'Not carrying out a purpose for the public benefit'</li> </ul>
<p><i>Charities and Public Benefit</i>: Section H6 'Appeals against our public benefit decisions'</p>	<p>Guidance on this can now be found in:</p> <ul style="list-style-type: none"> <li>• <i>Public benefit: the public benefit requirement</i> (PB1) - Part 2 'What for the public benefit means', 'Challenging a decision made by the Commission'</li> <li>• <i>Public benefit: running a charity</i> (PB2) - Part 7 'Not carrying out a purpose for the public benefit', 'Challenging a decision made by the Commission'</li> </ul>