



Case Report

Campaigning and political issues arising in the run-up to the 2015 General Election

This case report sets out cases that arose in the run up to the General Election in May 2015, specifically in relation to campaigning and political activity by charities, and explains what regulatory action the Charity Commission took in each case.

This report does not reflect the requirements of charities and other bodies under **electoral** law, which is enforced by the Electoral Commission.

Timeline and volume

Our monitoring focused on the period between September 2014 and the General Election on 7 May 2015. This period reflects the start of the regulated period for electoral law (19 September 2014). This report does not include any concerns raised about political activity since the election. Where any further issues were raised we have continued to engage with the charities.

During this time, we dealt with 17 cases related to concerns about non-compliance by charities, as set out in the table in this report. Most issues were dealt with promptly and without need for escalation within the commission, indicating that these were not considered serious breaches of guidance.

Twenty-two separate complaints and issues were raised with the commission; these were considered carefully but either did not require regulatory action or were related to requests for advice from charities. These include cases which arose as a result of the actions of others as opposed to the charities concerned, for example where candidates or media used information from or about charities in their materials which gave rise to the perception that charity was endorsing the candidate or party, without the charity's consent.

Profile of charities

The charities we engaged with during the pre-election period were diverse; there was no predominance of charities with certain purposes.

Analysis of the income of the 17 charities about which we had concerns indicates that charities within 2 income brackets are overrepresented (incomes between £25-500k and with incomes of over £1 million). The reasons behind this pattern cannot be established conclusively without further research.

Income £	Compliance concerns
0-10,000	0
10-25,000	1
25-500,000	10
1 million and above	5
Newly registered so income not known yet	1
Income unknown (charity name/no not provided)	0
TOTAL	17

The issues in detail

	Charity name	Registered number	Issue	Outcome
1	2/230th Manchester Scout Group	1156566	We received a complaint, claiming that the charity's property was being used to promote a local candidate standing in the General Election, as promotional posters had been put up on the outside of the charity's premises.	<p>We contacted the charity to draw its attention to our guidance on campaigning and political activities. We asked the charity to explain whether its premises had been used in such a way, and asked it to confirm that it understood and would abide by our guidance in the future.</p> <p>The charity explained that a local ward councillor, who had used its premises for a meeting several months earlier, had attached a notice to the charity's main gate, indicating to those attending the meeting that they were in the right place. The charity confirmed to us that they remained politically impartial.</p>

	Charity name	Registered number	Issue	Outcome
2	Brent Private Tenants' Rights Group Limited	1051979	We were notified that a representative of the charity endorsed a political party in the General Election, by stating that a vote for a certain party was the right decision, via the charity's Twitter feed.	<p>We advised the trustees that they must not allow the charity to be used as a vehicle for the expression of the political views of any individual trustee or staff member. We also signposted the trustees to our guidance on campaigning and political activity by charities and informed them that this guidance must be followed.</p> <p>The trustees confirmed that tweets containing political comments had been made from the charity's Twitter account in error. We were satisfied that, in response to the error, the trustees took the necessary steps to prevent a repeat of the incident by reviewing its existing policies and strengthening safeguards to ensure any future comments made by the charity on social media remained politically neutral.</p>

	Charity name	Registered number	Issue	Outcome
3	Brighton & Hove Unwaged, Advice and Rights Centre	1070465	Concerns were brought to our attention that the charity's website included activities by Brighton & Hove Unemployed TUC Workers Centre (BHUWC), which could constitute political campaigning.	<p>We gave clear advice to the trustees that:</p> <ul style="list-style-type: none"> public and donors have access to this website and may be deterred from providing funding, as a result of viewing its content the charity's reputation may be damaged if it affiliates itself with BHUWC the charity must cease affiliation and amend/take down its website they needed to be aware that political campaigning/activity should be undertaken by a charity only to support the delivery of its charitable purposes they needed to clarify how the charity's involvement with BHUWC was in accordance with our rules and regulations surrounding campaigning/political activity <p>The trustees followed our advice and guidance and provided the necessary clarification.</p>
4	Chabad Lubavitch Centre North East London and Essex Ltd	1123001	We received a complaint that the charity was displaying election posters which endorsed a particular political candidate.	<p>We contacted the charity to put the complaint to them and to draw the trustees' attention to our guidance on political campaigning. The trustees acknowledged that the charity had made an error in displaying the posters and had taken steps to remove them immediately.</p>

	Charity name	Registered number	Issue	Outcome
5	Countryside Restoration Trust	1142122	We received 2 complaints relating to a media release made by the chairman of the charity, who is also a local councillor, which attacked other local councillors and one of the candidates standing in the General Election. The media release was issued on the charity's headed paper and was published in that format in the local newspaper. The complainant was of the opinion that gave the impression the charity agreed with the views expressed in the release.	We considered the media release and concluded that it did contravene our guidelines on campaigning and political activity by charities. Although the opinions expressed were personal to the writer, the fact they were written on paper with the charity's letterhead could reasonably cause people to believe the charity endorsed the views expressed. We contacted the trustees and referred them to our guidance. We asked them to rectify the situation by issuing a press release making it clear that the views expressed in the original release were personal to the writer and are not endorsed by the charity. The trustees complied with that request.
6	Greenstead Community Association	1082081	We were notified that 2 trustees of the charity were councillors who were up for election. Within their publicity material they had a character reference from the chair of trustees which made reference to her position at the charity.	We advised the trustees that the charity must not give their support to any candidate who was campaigning to be elected. We gave clear advice that charity trustees or employees should not use their position in any campaigning activities in such a way as to suggest that the charity endorsed a particular candidate.
7	International Fund for Animal Welfare	1024806	We were contacted by an employee of the charity, who explained that the charity had inadvertently re-tweeted a tweet that contained a small amount of party political text within a wider post about animal welfare.	We contacted the charity, which explained that this was due to human error and that the charity had quickly removed the re-tweet the following day when it became aware of the political content. On this basis, we did not take further regulatory action, but reminded the trustees of our guidance on campaigning and political activity by charities.

	Charity name	Registered number	Issue	Outcome
8	Kidz in Kampz	1096118	We were contacted by an election agent, who reported that a trustee of the charity had been quoted in another candidate's election leaflet, urging voters to elect that candidate. The agent claimed the quote was used without the consent or knowledge of the trustee and gave the impression that the charity supported the candidate in question.	<p>We contacted the agent of the candidate who had been endorsed, as well as the trustee, seeking clarification. In reply, the party in question admitted using the quote without the consent or knowledge of the trustee.</p> <p>We asked the constituency party and the trustee to issue statements confirming that the charity was not supporting or endorsing the candidate or party, and that the quote had been included without the trustee's knowledge or consent. Both complied with that request and the constituency party apologised to the trustee.</p>
9	League Against Cruel Sports	1095234	We received a complaint about an article written by the charity's CEO that was published on the Ecologist blog entitled 'Making our Votes Count for Wildlife and Animals'. The article gave the impression that the views expressed were those of the charity.	We contacted the charity's trustees to bring this matter to their attention and to remind them of our guidance on campaigning and political activity by charities. We advised the trustees that, whilst the charity can continue to attempt to influence public opinion on a particular issue that furthers or supports its objects, it must leave it to the electorate to make their own decisions about how to vote. We further gave clear advice to the charity that it must not support or oppose a political party and to be careful to ensure that any language used was not inflammatory to those who may hold opposing views.

	Charity name	Registered number	Issue	Outcome
10	Middlesbrough and Teesside Philanthropic Society	1140740	We received a complaint about a perceived lack of political impartiality of the charity's chairperson, who was standing as independent candidate for Mayor of Middleton. It was alleged that photos of charitable activities undertaken by the chairperson were being used to promote political purposes.	<p>We gave clear advice that if an employee or trustee has a personal involvement with a 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 to the charity in terms of its reputation.</p> <p>The charity confirmed to us that they had discussed the issue with their chairperson and had satisfied themselves that their activities were legitimate. The charity explained that the chairperson was aware of their obligations to the charity and would not use their position with the charity to further their campaign. The charity also confirmed that they were aware of and would follow our guidance about campaigning and political activity by charities.</p> <p>We were satisfied with the steps taken by the charity and had no further regulatory concerns.</p>

	Charity name	Registered number	Issue	Outcome
11	Moorends Miners Welfare and Community Development Centre	508926	A member of the public contacted us to say that they thought that the Welfare Centre was being used as the head office of the local branch of a political party, and that the party had been holding monthly meetings for years at the centre free of charge. We were also advised that the people who ran the centre were all councillors and that 3 of the charity's trustees were related.	We contacted the charity and put these points to the trustees. The trustees advised us that the Welfare Centre was not the head office of the local branch of a political party, and whilst the party holds monthly meetings at the centre, it pays the same rate for its use as other groups. The trustees advised that party was not allowed to display any literature or advertise its activities in the building and that it did not run any functions at the centre. The charity confirmed that some councillors were, until recently, also trustees of the charity and that some trustees were also related. We provided guidance to the charity about having a diverse trustee body and managing possible conflicts of interest.
12	National Council of Hindu Temples (UK)	280718	We received a complaint that the charity had published an open letter on its website, encouraging its members to vote for a certain party in the General Election.	We gave clear advice to the charity that the open letter gave rise to the impression that the charity has endorsed the party in question, and that this was counter to our guidance on campaigning and political activity by charities. We instructed the charity to remove this statement from its website immediately and make a new statement that publicly distanced itself from this recent message and reasserted the charity's party political neutrality. We also asked the charity to assure us that they would refrain from making any further statements that could lead to the charity's political neutrality being questioned.

	Charity name	Registered number	Issue	Outcome
13	The Badger Trust	1111440	Concerns were raised with us about the charity's promotion, during the period leading up to the general election, of a march opposing the policy of tackling bovine TB by culling badgers entitled 'Stop Cameron's Cull'. The charity promoted the event. Concerns were also raised about the charity's campaigning activity, and specifically to positive references made about the charity's contribution to a particular party's manifesto.	<p>We contacted the charity immediately. The charity confirmed that the material of concern would be removed from its website as a matter of urgency. We later confirmed that this was the case. As a result of our involvement, the charity disassociated itself with the planned event and published a statement on its website that made clear that:</p> <ul style="list-style-type: none"> • statements of a political nature made by the charity's chief executive were made in a personal capacity and did not reflect the views of the charity • the charity does not endorse any political party or its policies and is party-politically neutral <p>We were satisfied that the charity had taken the immediate steps necessary to confirm its neutrality.</p>
14	The Movement for Non-Mobile Children - (Whizz-Kidz)	802872	We were notified that a photograph of the charity's chief executive, was included within the manifesto of a political party.	<p>We advised the charity that the inclusion of the photograph could potentially give rise to the impression that the charity has associated itself with or endorsed a political party and that this would run counter to our guidance on campaigning and political activity by charities.</p> <p>We advised that the charity should issue a public response that distanced itself from the inclusion of the photograph and reasserted the charity's party political neutrality. We provided the charity with a copy of our campaigning guidance and asked them to bring this matter to the attention of the charity's trustees. The charity accepted our regulatory advice.</p>

	Charity name	Registered number	Issue	Outcome
15	The National Trust for Places of Historic Interest or Natural Beauty	205846	We were made aware by a member of the public of an article in a national newspaper, which carried the headline 'x party is the only party that recognises rural threat, head of National Trust warns'. The inference from the headline was the charity's support of the charity in question.	<p>We contacted the trustees and explained that we were aware that the charity may have had no control over the headline. We also acknowledged that the article did discuss the different approaches of all the main political parties to rural development and that the article did include a quote from the outgoing chair of the National Trust saying <i>"the last thing I want to do is advocate a vote for x party"</i>. We advised, however, that there may be some who might argue that the comments in the article were party political in nature and may have the effect of influencing voters.</p> <p>We referred the trustees to our guidance on campaigning and political activity by charities, and reminded them that charities can undertake political or campaigning activities in furtherance of their objects. However our guidance makes it clear that charities should steer clear of comparing their views favourably or otherwise with those of political parties or candidates taking part in an election.</p> <p>We were contacted by the Secretary of the National Trust to confirm our guidance had been brought to the attention of all of their trustees.</p>

	Charity name	Registered number	Issue	Outcome
16	The UK Turkish Islamic Trust	275829	We were informed by a journalist that a message supporting a particular political candidate in the forthcoming general election had been painted onto the dome of the mosque operated by the charity. There had already been local press coverage of the issue and we received photographic evidence of the message.	We advised the trustees that the message was inappropriate and breached the commission's guidance on campaigning and political activity by charities. The trustees informed us that the banner had been put up without the knowledge and consent of all of the trustees and, on being made aware of the issue, the trustee body acted immediately to have the banner taken down. This was confirmed at a visit by commission staff, at which we were assured by the trustees that the lack of trustee oversight in this instance was unusual and the charity was generally well run, serving the needs of the community.
17	Vale and Downland Museum	1126995	We received a complaint from a former volunteer of the charity that it had a political bias towards a particular political party. The individual stated that members of the charity's management committee were local councillors and that an office room within the charity's premises had been offered to rent by the local MP of the same party.	We looked into the matter and established that the charity had made the same offer to all of the local political candidates, advising that whoever won the seat could rent the room in the charity's premises. We contacted the trustees to explain that the public perception of political bias could have an impact with the potential users of the museum. We advised that there should be distinct separation between the MP's office and the museum, including separate access if possible. We stressed the need for the trustees to act at all times in the best interest of the charity and provided our guidance on campaigning and political activity by charities for further detail. The charity accepted our guidance and gave assurances that the situation would be managed appropriately.

Issues for the charitable sector

The law makes clear that charities are able to engage in campaigning and political activities to further their purposes and which they can justify. Indeed campaigning can be a valuable and effective way for charities to help their beneficiaries. But there are limitations. It is a fundamental principle of charity law that charities must maintain their independence and must never engage in party political activity. They may only engage in campaigning and political activity which supports their charitable purposes.

All trustees considering engaging in campaigning and political activity should familiarise themselves with and ensure they are following our guidance on **campaigning and political activity by charities (CC9)**. Our analysis showed that some charities were making basic mistakes which could have been avoided if trustees had followed this guidance and used the trustee checklist included in section 8.

In the run up to an election there are **additional issues to consider**. It is especially important that trustees maintain political neutrality, and the perception of political neutrality. The risk of a charity supporting or appearing to support a political party or candidate is heightened and therefore any legitimate campaigning activity needs careful consideration and monitoring by charity trustees to avoid being perceived as party political. In the cases that came to us this was the risk that most frequently led to concerns being raised with us about a breach of the guidance.

Our advice to charity trustees at the outset of engaging in campaigning or political activity is to read the guidance and consider how it applies, so they may minimise any risk of acting outside the charity law framework.