



The Association of Directors of Public Health

Member Briefing: Charity Law, The Lobbying Act & Campaigning

Introduction

Charity Commission guidance makes clear that charities should not shy away from advocacy and campaigning to help them achieve their charitable aims. In fact it specifically states that: “campaigning, advocacy and political activity are all legitimate and valuable activities for charities to undertake”. However certain rules and guidelines apply to this activity. This briefing outlines how the law applies to campaigning work for charities and the implications on policy and campaigning work undertaken by ADPH.

Charity Law

Under charity law (specifically the Charities Act 2011), charities may undertake campaigning and political activity if:

- it furthers the charity’s purpose;
- it is permitted by their governing document;
- it is never party political and political neutrality is always maintained.

Although campaigning or political activity may be a key activity for a charity it should never be the reason for a charity’s existence – it should only act as a tool to allow it to achieve its broader charitable objectives.

Charity campaigning or political activity cannot include support or opposition for political parties or candidates and charities must make sure to engage with political parties in a neutral way. However, a charity may express support for policies that are also advocated by political parties if these will contribute to the delivery of its charitable purposes. They can engage in campaigning or political activity aimed at securing or opposing any change in the law or policy of central government, local authorities or other public bodies in support of their charitable purposes.

Run to the elections

Special attention to political neutrality is needed in the run up to elections (‘purdah’). There are several things charities must not do during this period, and they all relate to influencing voter behaviour.

- Charities must not explicitly compare their views or policy goals with politicians standing for election.
- Charities should not allow political parties to refer to them in manifestos as this may appear as an endorsement of the party.
- Charities are free to invite politicians to speak at events but must ensure they invite representatives from across the political spectrum.
- Charities are free to meet with election candidates but should be wary of becoming associated with them in the eye of the public.

Local and central government also must comply with rules around communication during purdah. Pre-election restrictions for public bodies are governed by Section 2 of the Local Government Act, and prevent

public bodies from publishing any material which, in whole or in part, appears to be designed to affect public support for a political party.

The Introduction of the Lobbying Act

The Lobbying Act was specifically designed to regulate the activity of charities in the run-up to elections and puts limits on the amount that charities can spend on campaigning at this time.

UK parliamentary general elections usually have a regulated period of 365 days – so, in the year up to a general election charities need to ensure that any campaign activity aimed at influencing voting they undertake does not fall under the specification for regulated activity (and if it does they need to register as a non-party campaigner, also called a recognised third party).

Grant Clause on Lobbying

In February 2016, the government announced that a new clause would be inserted into grant agreements, to ensure that grant funding is not being used for charity lobbying. The exact phrasing is as follows:

“The following costs are not Eligible Expenditure: Payments that support activity intended to influence or attempt to influence Parliament, government or political parties, or attempting to influence the awarding or renewal of contracts and grants, or attending to influence legislative or regulatory action”.

Implications for ADPH

ADPH charitable objects

*To protect and improve public health for the public benefit, in particular but **not exclusively** by all of any of the following:*

- a. Facilitating a support network for Directors of Public Health to share good ideas and good practice and support problem-solving*
- b. Providing opportunities for the Directors of Public Health to develop professional practice*
- c. Collating and presenting the views of Directors of Public Health on public health policy to stakeholders*
- d. Advising on public health policy and legislation at a local, regional, national and international level*

It can reasonably be assumed that these objectives will involve some level of political activity. However, ADPH should not use any government funding it receives to undertake such activity.

‘Stakeholders’ may include politicians such as MPs so meetings with MPs would be required to put forward the views of our members. Collating and presenting the view of DsPH to stakeholders could for example reasonably include drafting briefings to disseminate to MPs or peers before a parliamentary debate.

Advising on public health policy at a national level no doubt implies meetings with Ministers who have overall responsibility for national public health policy. When undertaking political activity, we need to ensure to maintain political neutrality at all times and engage in a balanced way with politicians from across the political spectrum.

Public campaigning (mobilising public support) may not be the best way to meet our objectives. However, our governing document does not forbid campaigning and so if it became a viable way to achieve one of our objectives we would be free to engage in it.