

Speaking **frankly**, Acting **boldly**.

The legacy and achievements of
charity campaigning



About ACEVO

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For 30 years, we have provided support, development and an inspiring, collective campaigning voice for our members. Our membership includes leaders of small, community based groups, ambitious medium-sized organisations, and well known, well-loved national and international not-for-profits.

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Foreword

Charity campaigning is not a new phenomenon. Charities have been at the forefront of the movement for social change for hundreds of years; from the campaign to end slavery to the introduction of the smoking ban. Despite this, in recent years charities have been repeatedly publicly criticised for ‘meddling in politics’¹ and found themselves subject to unhelpful interventions which have left many campaigners and civil society leaders unclear about how and how much they can campaign.

In February 2015 the Baring Foundation’s Panel on the Independence of the Voluntary Sector published its report, *An Independent Mission*², expressing concerns about threats to the independence of the voice of the UK’s social sector. The report found that in recent years unsupportive funding arrangements and a loss of respect for the sector’s autonomy were risking the independence and confidence of charities to advocate and campaign. In December 2016, 90% of respondents to a survey by campaigning charity Sheila McKechnie Foundation agreed with the statement that there are threats to campaigning.³

The climate that has created concern for campaigning is complex and varied. Alongside the unsupportive funding arrangements cited in the Baring Foundation’s report are concerns about negative media coverage, the introduction of new legislation and confusing interventions from the Charity Commission. There is also evidence to indicate that this difficult environment is causing sector leaders to take a more risk adverse approach to campaigning, effectively self-censoring.

As one sector leader told me:

“The economic and political climate is pushing charities from ‘changing the world’ mode into ‘steady the ship’ mode.”

Whilst there has been some recent indication that the tide of political opinion on charity campaigning may be turning with the re-wording of the anti-advocacy clause, and the endorsement for campaigning in the recent House of Lords Select Committee on Charities report⁴, it is far from certain whether this will translate into a thawing of the much discussed ‘chilling effect’ that previous legal and regulatory interventions have caused.

In order to capitalise on these opportunities, now is the time for the charity sector to galvanise vocal support for the role and

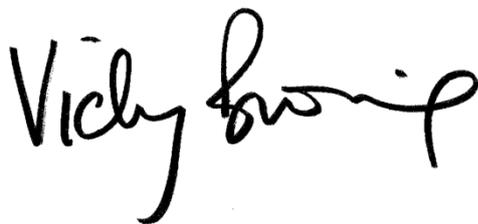
necessity of charity advocacy and campaigning. Charities must work together to refocus, reframe and reclaim charity campaigning. Refocus the debate from *how much* charities campaign to *why* charities campaign, reframe the debate to highlight the public benefit of campaigning and reclaim 'campaigning', 'advocacy' and 'lobbying' as positive and distinct words which are necessary to enabling charities to achieve their purpose. This is the work we are seeking to begin through publication of this report.

In chapter 1 we draw attention to the legacy and philosophy of campaigning in charitable activity. We highlight the expertise and professionalism of charity sector leaders and outline the reasonable limitations on charity campaigning that have existed historically.

In chapter 2, we begin the important work of highlighting successful charity campaigns that have resulted in significant public benefit. Conversely in chapter 3, we look at the current operational environment in order to understand why the focus of the debate has shifted from the achievements discussed in chapter 2.

Finally in chapter 4, we ask what next? That campaigning is under threat is not a new or unique conclusion. What is important now is to counter that threat with a strong positive argument about the necessity of charity campaigning so that charity leaders have the confidence to speak out in support of their organisation's charitable objectives no matter who the charity receives funding from, at whatever point we are in the election cycle.

I can assure you that I have no intention of sticking to my knitting and that my focus will remain on ensuring that charity leaders continue to have the right to speak frankly and act boldly.

A handwritten signature in black ink that reads "Vicky Browning". The signature is written in a cursive, flowing style with a large initial 'V' and a long, sweeping tail.

Vicky Browning
CEO, ACEVO

1. Charity campaigning is:

1.1 A charitable legacy

Charity and voluntary group campaigning is not a modern manifestation. Writing in 1912, Canon Samuel Barnett – founder of Toynbee Hall – wrote that charities should look towards their own extinction.⁵ At this time, many charities had been set up expressly to meet some defect in the state, or society more generally. As such campaigning was unquestionably a necessary part of charity activity.

One of the best known historic examples of the role of civil society campaigning in alleviating social ills is the campaign to abolish the slave trade. The campaign was led by The Society for Effecting the Abolition of the African Slave Trade and championed in parliament by one of the society's leaders, William Wilberforce MP. The society employed a number of what were then considered pioneering campaigning techniques including organising boycotts, engaging with the press, and publishing first hand accounts of slavery. All of these techniques are still commonly used by charities today.

Alongside the society's work to generate awareness about the reality of the slave trade and garner public support, Wilberforce worked tirelessly to introduce legislation against slavery in the House of Commons. He introduced a motion for the abolition of slavery almost every year between 1791 and 1806, when a bill was finally passed banning dealing in slaves in France and the Commonwealth. This restricted over half of the British slave trade; however it did not free those who were already slaves. Wilberforce and other committee members continued to fight for the complete abolition of slavery. It was another 20 years before the Slavery Abolition Bill was passed in 1833; more than 40 years since Wilberforce first introduced a motion to end slavery.

Since the campaign to end slavery, which is considered by many to be the world's first successful grassroots movement, charities have successfully lobbied and advocated for the introduction of laws to safeguard destitute children; end the standard practice of institutionalising people with learning disabilities; protect heritage sites from development and repeal laws which discriminate against minority groups. The current social landscape has been heavily influenced by charities that have successfully campaigned to challenge harm and inequality caused by legal loopholes, government policy or popular public attitude (for example smoking and the wearing of seatbelts).

However, despite these proud achievements charities are often not very good at publicising their own success and in recent years this has contributed to an increased perception that charities have suddenly 'become' political. In 2014, Brooks Newmark, then minister for civil society, was asked if he had sympathy with a statement made by Charity Commission trustee Gwythian Prins that charities should 'stick to their knitting' and keep out of politics. In response he said "We really want to keep charities and voluntary groups out of the realm of politics."⁶ To suggest that charities should stay out of political issues demonstrates a deep misunderstanding of charitable purpose and history as well as a naivety about the expertise and insight that charity professionals can offer to politicians and policymakers.

1.2 Rooted in philosophy

Whilst charity campaigning is a proud part of civil society's history, the reason charities campaign is not as simple as that 'they've always done so.' Campaigning is part of the philosophical underpinning of charity, yet this philosophy is not widely understood. If you ask a person what charity is, they will undoubtedly be able to provide a long list of good causes which are supported by charitable organisations. There is also likely to be a mention of voluntary giving, be it of money or labour. Neither of these responses goes to the heart of what charity is.

It goes without saying that the philosophy of charity is a topic far beyond the scope of this report. However, with no understanding of where our charitable tradition comes from, it is difficult – if not impossible – to draw conclusions as to its proper role. In this section we reference three theories of the role and purpose of charity. It is not the case that any one of these is the 'true' root of charity. Our charitable tradition is, and should be, all of these at different times. What is crucial is that we do not allow our image of charity to be restricted to any one of the archetypes described below.

Caritas

The etymological route of the word charity is the Latin term *caritas*, commonly translated as altruistic love.

This philosophy, with its biblical underpinnings, can be seen in the Victorian concept of philanthropy. Charity was about doing good for another person out of a common feeling of humanity. More significantly, it was something done by the powerful for the less powerful. If we accept *caritas* as the root of our charitable tradition, then philanthropy can be reduced down to a simple transfer of funds from the wealthy to the poor.

This view gave rise to the somewhat patriarchal view of charity which at times still enters into our discourse. This understanding of charity also goes some way to explaining why many people find it difficult to resign themselves to the idea that charities could and should campaign.

Tzedakah

In Hebrew, the translation of *tzedakah* – often translated as charity – more properly means justice, or fairness. This differs significantly from the notion of *caritas*. Rather than a hierarchical model of charity, based on doing good to others, it is centred on realisation of a just settlement. In the Judaic tradition, this includes an element of philanthropic giving. However *tzedakah* is not viewed as a generous, magnanimous act; it is simply an act of justice and righteousness, the performance of a duty.

Twelfth century Jewish scholar and philosopher Maimonides described levels of *tzedakah*, with the greatest level being giving a person independence so they will not need to rely on *tzedakah* and the weakest being giving out of sadness or pity.

As part of this tradition, *tzedakah* extends beyond the bounds of voluntary giving. This is not because voluntary giving is unhelpful, but it is insufficient to overcome the significant barriers faced in the campaign for social justice. Instead, those with power must be held to account for their actions – or inaction.

Eudaimonia

Eudaimonia is the Aristotelian concept of human flourishing. It is often used to refer to a state of maximum communal happiness. A simpler explanation would link eudaimonia to a utopian state, in which negative outcomes are prevented. In Aristotelian ethics, it is held to be the highest possible pursuit of philosophy, and thus the highest pursuit of humanity.

Eudaimonia is not a term commonly associated with the charity sector. However, a clear link can be seen with *tzedakah*. Anyone striving for a eudaimonic society must, by definition, look to eliminate those social ills which they encounter.

Indeed, it could be said that eudaimonia is the overall ambition of the charity sector. Indeed, the ideas expressed through eudaimonia were the driving force behind many of the charitable institutions set up in Britain in the 19th century. These sought to design a better society, free from the issues which affected the one they lived in. It seems, then, that eudaimonia is not so much a potential root for our modern understanding of charity, but an ideal at which charity should be aiming.

1.3 Insightful and professional

The fact that charities work closely with communities means that they have the unique insight and knowledge to be able to identify systemic problems that perpetuate social ills. This could be a government policy which disproportionately impacts disabled people or a legal loophole that allows a social or environmental injustice to continue with impunity.

Ideally the individuals affected by these social ills would have the confidence and knowledge to campaign to remove such injustice, and charities should always seek to speak with their beneficiaries, not simply on behalf of them. However expecting all marginalised individuals and vulnerable communities to feel confident challenging the “status quo of oppressive power” would be an unrealistic expectation.⁷

Alongside the practical experience and knowledge that charities have gained from working with communities, over the last few decades the charity sector’s scope and professionalism has increased significantly. Charities no longer fit the popular image of well meaning amateurs, if indeed they ever did.

Between 2001/02 and 2013/14 the total income for ‘general charities’ increased in real terms from £30.1 billion to £43.8 billion, a 38% increase.⁸ The National Council for Voluntary Organisations and Third Sector Research Centre estimate that ‘civil society’, a term covering charities, social enterprises, community interest companies, and other not-for-profit ventures, employs 2.3 million people, or 8% of the UK workforce.⁹

‘Professional’ charities tend to have diversified income streams, working with government and with private funders to maximise their mission. This means that many charities now exist within a complex framework of funding agreements, obligations and regulators. In addition to the Charity Commission, charities can be answerable to anyone from the Care Quality Commission and Ofsted to the Information Commissioner and the Equality and Human Rights Commission.

This complex operating environment means that charities led by skilled, knowledgeable and empathetic individuals with real insight into the problems their organisations are working to alleviate. This valuable knowledge should be shared with politicians and the wider public.

1.4 Limited by law

While the philosophy of charity may encourage campaigning at every juncture, the reality is that charities do face some restrictions on what they can do and say. The coexistence of democratic government and incentives – financial and otherwise – for registering as a charity has necessitated a degree of compromise. It has long been understood that, in order to retain the benefits of charitable status, organisations should ensure they stand apart from partisan political behaviours.

These restrictions were laid out by the Charity Commissioners (the predecessor to the Charity Commission) in 1981¹⁰ and then clarified in 1986. They stated that:¹¹

It is right and natural that a charity concerned with a particular group such as the elderly, for example, should present the government and others with reasoned arguments about the defects or virtues of the social security system in the sense that it affects the well-being of the elderly whose condition and problems the charity exists to improve or alleviate. Equally it is open to such a charity to inform public thinking and political debate by publishing material based on reasoned research and direct experience. But it would not be proper for such a charity to advocate a particular line of policy or legislative change unless this is justifiable as entirely subsidiary to the achievement of its charitable purpose, and the manner and content of that advocacy is appropriate to that end. And it would not be open to a charity for the relief of the elderly to campaign on some completely different cause like apartheid or defence policy.”

Since this point, the Charity Commission has generally taken the view that the campaigning activities of most charities, if in legitimate furtherance of their objects, are to be permitted.

In 2002 the Prime Minister’s Strategy Unit proposed a renewed emphasis on the campaigning activities charities are permitted to undertake in the report *Private Action, Public Benefit*. The report recommended that “it is desirable to encourage, rather than restrict, charities’ advocacy and campaigning role”.¹² The report

“It is desirable to encourage, rather than restrict, charities’ advocacy and campaigning role”

Prime Minister’s Strategy Unit, 2002

proposed that the Charity Commission guidelines on campaigning should be revised so as to be less cautionary and put greater emphasis on the activities which charities may undertake.¹³

In response, the Charity Commissioners updated their political campaigning guidance, 'CC9', in September 2004. The current March 2008 version of the Charity Commission's guidance on campaigning makes clear that:¹⁴

“To be a charity an organisation must be established for charitable purposes only, which are for the public benefit. An organisation will not be charitable if its purposes are political.”

This clearly defends the historic and philosophical value of charity campaigning on issues which are political but requires them to do so in a non-partisan manner.

Charities must abide by this and the general law governing campaigns around elections – the Political Parties, Elections and Referendums Act 2000. In 2014 all third party campaigners, including charities became subject to further campaigning regulation introduced in the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act, a more restrictive piece of legislation which left many feeling that charity campaigning was under threat (see 3.2 for more detail).

1.5 Necessary

Charities do not arise out of a vacuum. They are a response to an identified need in society, be it a social injustice, health problem or an environmental issue. Not all of these needs can ever totally be resolved but all charities work towards a vision in which their charitable aims are met. In the vast majority of cases, this necessitates legal or policy changes that can continue in perpetuity.

Where there is a prospect of a charity realising a permanent solution to the charitable need which has created the organisation then all tools should be available to charities to help them achieve this end. It is not realistic or humane to expect charities to act as a 'sticking plaster' and only react to harm once it has occurred.

This is where service delivery alone has its limitations; it is necessary to provide immediate relief or assistance, but on its own this can never provide a permanent solution to a problem. It is an effective part, but not the whole of delivering meaningful change. It

is in delivering these more permanent solutions that the power of charities is limited. The reality is that, when it comes to making a meaningful change, there is little that compares to the powers at the disposal of the government.

Charities continue to campaign because it is only by influencing those who tread the corridors of power that they can embed progress in the fabric of society. It is for the charity sector to argue against the assumption that there is no longer a need for campaigning which focuses on improving UK policy. The reality is that there is still significant poverty, injustice and inequity in the UK, as well as threats to heritage and the environment.

In chapter 2 of this report we demonstrate that many of the most significant social, environmental and health advances of recent times have come as a result of campaigning activity by charities. It is by pursuing these campaigns that the charities in question were best able to serve their purpose, and their beneficiaries.

2. Charity campaigning has achieved:

Many of the most significant social advances in the UK have been spearheaded by charities. Below are six examples of charity-led campaigns that have had a positive social, health or environmental impact.

2.1 The Disability Discrimination Act 1995

Since the mid-1970s, protections had existed against discrimination on the grounds of gender (the Sex Discrimination Act 1975) and race (the Race Relations Act 1976), but no such law existed to cover disability discrimination.

The Disability Discrimination Act 1995 (DDA) was the first piece of legislation that made it illegal to discriminate against an individual on the basis of disability. This hinged on the concept of 'reasonable adjustments'. This means that employers and service providers must make reasonable adjustments to offer individuals with disabilities equality of opportunity in the workplace.

This was a seminal piece of legislation but not a perfect one: many individuals with disabilities felt it did not go far enough. Continued campaigning by charities and disability rights groups led to amendments in 1999, 2001 and 2005 which expanded the scope of the DDA to place obligations on educational establishments and ensure the inclusion of a wider range of disabilities. In 2010 the DDA was consolidated as part of the 2010 Equalities Act.

The role of charity

Throughout the 1980s, there was a diverse range of charities and advocacy organisations working in the disability sphere. In addition to the Royal Association for Disability Rights (RADAR), there were innumerable condition specific charities, from the Royal National Institute of Blind People (RNIB) to the National Autistic Society and Mencap.

Even among charities that work broadly in the same sector, such as disability, there will be a diverse range of views and differing priorities driven by the needs of each organisation's beneficiaries. However, many of the most successful charity campaigns involve a number of groups coming together to represent the needs of their beneficiaries together. In this respect the DDA was an unprecedented collaborative effort by those working in the disability sector, representing tens of thousands of people.

2.2 The smoking ban

Smoking in enclosed workplaces became illegal in England on 1 July 2007 following the introduction of the Health Act in 2006. This formalised a trend towards voluntary smoking bans which had been visible for some years.

The ban applies to all indoor workplaces, with exceptions for designated rooms in hotels, prisons, oil rigs and nursing homes. The scope of the act also includes all 'substantially enclosed' public places and all forms of public transport. Following the passage of the Health Act, National Rail announced the ban would apply to all property it owned, covered or not. Transport for London extended the ban to cover bus shelters.

While there has been some opposition to the ban, it is overwhelmingly supported by the general public, with a 2014 YouGov survey finding only 9% of the population opposed it.¹⁵

The role of charity

In 1971, the charity and pressure group Action on Smoking and Health (ASH) was formed with the aim of eliminating the harm done by tobacco. Over its 45 year history, ASH has campaigned for a number of restrictions to the use of tobacco – from restrictions on tobacco advertising to the recent introduction of standardised packaging.

Between the first proposal of the smoking ban in 2003 and its implementation in 2007, ASH was instrumental in pushing forward the cause. By 2004, its lobbying had ensured a smoking ban was included in the Department of Health white paper.¹⁶

The final bill proposed an exemption for members clubs and some pubs. Working with the chairs of the Health Select Committee and the All Party Parliamentary Group on smoking, ASH lobbied Labour to allow a free vote on an amendment removing this exemption, which was followed by a coalition of organisations lobbying in favour of the amendment.¹⁷ This resulted in the prime minister, health secretary and many other Labour MPs opposing the exemption. This led to the comprehensive smoking ban for which ASH had always argued.

2.3 Criminalising rape in marriage

Legislation criminalising rape has existed for hundreds of years; however until 1991 the common rule of law in England and Wales was that, except in certain particular circumstances, a husband could not be convicted of raping his wife.

The exemption of prosecution for rape in marriage was widely attributed to a 17th century ruling by Sir Matthew Hale who outlined the legal position as: ¹⁸

"A husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract."

This exemption under law stood until the 1991 case of RvR. In 1990, the defendant had been convicted for the rape of his wife, and appealed this decision to the Court of Appeal and then to the House of Lords. This was heard by a panel of five law lords. The decision of this panel was to revoke the exemption which existed for marital rape, holding it to be a 'common law fiction'. This judgement was upheld by the Law Commission, and confirmed in statute as part of the Criminal Justice and Public Order Act 1994.

The role of charity

In the seventies and eighties a number of feminist voluntary groups including Women Against Rape, Rights of Women, Women's Aid and Rape Crisis campaigned for the abolition of the legal loophole that meant rapists targeting their spouses could escape conviction. Their campaigning activity included demonstrations, publishing research on the extent of the problem and its impact on victims, providing submissions to the 1990 Criminal Law Revision Committee and working alongside MPs to raise political interest in the issue. This all drew significant public attention to the crime.

At the time of the judgement Lord Lane said: ¹⁹

"The idea that a wife by marriage consents in advance to her husband having sexual intercourse with her whatever her state of health or however proper her objections is no longer acceptable."

That the Lords said that rape in marriage was "no longer acceptable"²⁰ demonstrates the importance of work done by campaigners to change social attitudes and to challenge harmful societal norms. If the public's view on the rights married women had not altered, then it is possible that this ruling would not have been made.

2.4 The plastic bag tax

In 2014, over 7.6 billion single use plastic bags were issued in the UK. This equates to over 61,000 tonnes of plastic.²¹

In October 2015, the UK Government introduced legislation designed to reduce the usage of disposable plastic bags. Under new legislation, all businesses with over 250 employees had to charge 5p for every disposable plastic bag they issued.

The VAT raised on these sales is donated to charitable causes and, while it was not mandated, businesses were encouraged to do the same with any money they received.

In the six months after the charge was introduced, 640 million plastic bags were issued – equivalent to an 83% decrease in their usage.²² In this period, over £30 million was donated to good causes as a result of the bag tax.

The role of charity

In 2012, a consortium of charities launched the ‘Break the Bag Habit’ campaign. This group, which included Keep Britain Tidy, the Campaign to Protect Rural England and Surfers Against Sewage, represented some of the leading anti-waste charities in the UK.

The campaign raised awareness amongst the general public and lobbied MPs. As a result, the bag charge gained significant support from local authorities and members of parliament. This resulted in a charge for plastic bags being announced in the 2014 Queen’s Speech.

2.5 The end of dolphinarium

Not all charity campaigns require the introduction of legislation. The law enforces certain patterns of behaviour and, if these behaviours can be induced without legislation, it is not always necessary to supplement behaviour change with legislative or legal action.

A prime example of this is the demise of dolphinarium – aquariums solely housing dolphins. It is widely accepted in the UK that even the largest dolphinarium lacked sufficient space for the dolphins to move about naturally. It has been suggested that, in addition to affecting the behaviour and mood of dolphins, captivity can reduce life expectancy.

In their heyday, there were 36 dolphinarium across the UK. The number dropped over time, with the final site closing in 1993.²³

This was achieved without legislation or government intervention – instead, the campaign raised awareness to the degree that dolphinariums were not the viable businesses they had once been.

The role of charity

In 1987, the Born Free Foundation and the Whale and Dolphin Conservation Society published a joint report on UK dolphinariums, exposing the poor conditions in which many of Britain's dolphins were kept.

This gave rise to the 'Into the Blue' campaign, co-convened by the Born Free Society and others.²⁴ This secured the support of the *Mail on Sunday* – an influential outlet for the charities' campaigning activities. One outcome of the campaign was to raise sufficient funds to purchase – and then release – the dolphins from one of the few remaining dolphinariums in the UK at the time.

The campaign also prompted the government to significantly tighten the laws around the keeping of dolphins in captivity. While not banning the practice outright, these restrictions were sufficiently severe that the remaining dolphinariums were no longer financially viable, and were forced to close. Even without the implementation of new laws that completely banned the captivity of dolphins in the UK, the charities involved had successfully ended the practice.

2.6 The introduction of seatbelts

Seatbelts were first used in the 1930s when a group of American doctors began to fit their own vehicles with lap belts and called for manufacturers to put them in all new cars. It was not until 20 years later in 1954 that the Sports Car Club of America required competitive drivers to wear lap belts. Another 11 years passed before it became compulsory for cars built in Europe to be fitted with seat belts in the front of cars; however there was no legislation which required passengers or drivers to use them in the UK.

Between 1973 and 1980 there were at least five unsuccessful attempts to introduce legislation to compel the usage of seatbelts in the UK. Despite research conducted by Which? in 1962 which found that seatbelts reduced the likelihood of death or serious injury in a road traffic collision by 60%, all attempts to introduce legislation on the topic had failed.

The role of charity

The Royal Society of Prevention of Accidents (RoSPA) had been campaigning for the introduction of legislation to make the wearing of seatbelts in cars compulsory for 20 years when in 1981 Lord Nugent of Guildford, RoSPA's chair, successfully introduced an amendment to the Transport Bill. In January 1983 it became compulsory for drivers and front seat passengers to wear seatbelts for a trial three year period. When the trial period ended in 1986 parliament voted to keep the requirement permanently.

The introduction compelling drivers and front seat passengers to wear a seatbelt was a huge achievement; however charities did not stop there. RoSPA continued to campaign for even stronger provision – introducing requirements for seatbelts to be fitted to the rear of new cars (1987) for children under 14 to wear a rear seatbelt (1989) and for adults to wear rear seatbelts (1991). Campaigns to raise awareness of the dangers of not wearing a seatbelt continued throughout the nineties and in 2001 it became law for all coaches and minibuses to install seatbelts.

In 2009 it was estimated that 95% of car drivers, 96% of front seat passengers and 89% of rear seat passengers wear seatbelts. The campaign to introduce and mandate the use of seatbelts was estimated to have saved 50,000 lives between 1983 and 2003.

2.7 The benefits of campaigning

It would be hyperbole to say that charity campaigning is capable of solving all of society's ills. The campaign to close dolphinariums did little to advance the welfare of circus animals. The Disability Discrimination Act was a valuable first step, but did not end disability discrimination. Smoking-related diseases still kill approximately 96,000 people a year in the UK alone.

But equally, it would be foolish to say that the situation would be anything but far worse was it not for charity campaigning. While social change often requires a social movement behind it, charities can prove central to instigating such movements. It is unlikely the marches on Parliament in 1994/95 would have resulted in the DDA were it not for the work of RADAR and other disability charities in lobbying MPs.

There is a need for strong voices to rally support to good causes. Charities have a duty to ensure the plight of their beneficiaries is known, and to ensure action is taken to help them.

If we accept, as we surely must, that charity campaigning is both a fundamental part of both our charity sector and our democracy, as well as being beneficial for our society, then it must be promoted at every opportunity. This should mean allowing charities to access the fullest range of campaigning methods possible.

3. Charity campaigning is under threat from:

Despite campaigning being a part of charitable history and philosophy, and achieving significant success, over the last five years there have been numerous interventions in the campaigning space which have had a significant 'chilling effect' on charities. This chapter considers the different interventions and concerns that have created perceived and actual change.

3.1 The Charity Commission

The Charity Commission's principal guidance on charity campaigning, CC9, was first released in 2004 and then updated in 2008. The tone of CC9 is far less directive than guidance that had come before it. It allows the ultimate decision on the appropriateness of campaigning activity to be taken by the charity's trustees.

The guidance prohibits partisan political campaigning but allows charities to engage in political activity, provided it supports their charitable objectives – and does not become the sole reason for their existence. According to CC9, a charity may, among other things:

- Support, promote or oppose the passage of a Parliamentary Bill (Clause 3.7)
- Make public comment on social, economic and political issues (Clause 3.1)
- Support a specific policy advocated by a political party (Clause 4.1)

CC9 was a positive intervention that should have helped to move charity campaigning towards a situation where it provides much needed critical support to our democratic process. However over the last two years the Charity Commission has made a number of ambiguous judgements in response to complaints about charity campaigning that have left many feeling on uncertain regulatory ground. In addition to this the Charity Commission's intervention in the drafting of the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 (or Lobbying Act) to ensure that charities were not exempt, and its guidance around charity campaigning in the EU referendum, caused many in the sector to question the Commission's commitment to protecting a charity's right to campaign. Two examples of unhelpful or ambiguous rulings are explored in more detail below.

Oxfam - The Perfect Storm

Oxfam has a proud tradition of campaigning and first campaigned politically during World War Two when they successfully lobbied the government to relax the allied blockade of occupied Europe, so that humanitarian relief could be sent to civilians living in occupied Greece and Belgium. It is therefore within an established tradition of campaigning for the alleviation of hunger and poverty that in 2014 Oxfam released *Below the Breadline: The Relentless Rise of Food Poverty in Britain*.

The report, published in partnership with Church Action on Poverty and The Trussell Trust, found there had been a 54% increase in the number of meals given out to people in food poverty between 2012/13 and 2013/14. To promote the report Oxfam tweeted a mock film poster under the title 'The Perfect Storm' which listed some of the social issues that contribute to poverty in the UK including zero hours contracts, high prices and benefit cuts.

In response to the poster and tweet, Conor Burns MP made a complaint to the Charity Commission. Speaking at the time about the complaint Mr Burns said: ²⁵

“Many people who support Oxfam will be shocked and saddened by this highly political campaigning in domestic British politics... I cannot see how using funds donated to charity to campaign politically can be in accord with Oxfam’s charitable status.”

In response to the complaint the Charity Commission stated: ²⁶

“Although we accept that the charity had no intention to act in a party political way, we concluded that the charity should have done more to avoid any misperception of political bias by providing greater clarity and ensuring that the link to the *Below the Breadline* report was more obvious.”

Here the Charity Commission has simultaneously said that Oxfam has not breached existing regulation whilst criticising it for not doing more to make clear it is non-partisan. It is our view that this tweet falls within the bounds of regulation on campaigning and as such it is unnecessarily confusing to reprimand Oxfam at all.

The EU referendum

The EU referendum was an issue of constitutional importance, the result of which will have a permanent effect on the political, social and economic landscape of the UK. Given this, it is understandable that many charities felt, and continue to feel, strongly about the matter.

On 7 March 2016 the Charity Commission issued new guidance on charity campaigning ahead of the EU referendum. In addition to outlining the legal position, the guidance said that charities should only campaign in²⁷

“...exceptional cases, where a charity considers the outcome of the referendum itself is likely to affect directly, positively or negatively, the delivery of their charitable purposes.”

This went further than CC9, the Charity Commission’s guidance on campaigning and political activity by attempting to tell trustees the decision they should make, rather than allowing them to make their own judgement within the bounds of regulation. This effectively ensured that the charity sector was also the only sector almost entirely prevented from having its voice heard in the EU debate.

The effect of the intervention could be seen in the run up to EU referendum campaign. According to research from Loughborough University, which carried out week by week analysis of the campaigns, the voice of NGOs was negligible. Between 19 May 2016 and 1 June 2016, they accounted for only 0.7% of TV coverage and 0.6% of print media coverage related to the EU referendum.²⁸ By way of comparison, this is less than the level of coverage accounted for solely by the Rt. Hon. Chris Grayling MP.

While some charities undoubtedly decided that it was not in the best interest of their beneficiaries to express an opinion, given the strength of feeling exposed within the sector in the months following the vote there can be little doubt that charities voices were dampened by the Charity Commission’s intervention.

3.2 New legislation

The piece of legislation that sets out the rules of all organisations, including charities, to campaign around general elections is the Political Parties, Elections and Referendums Act 2000 (PPERA).²⁹ This Act was implemented to build upon on the Registration of Political Parties Act 1998, and set out the ‘ground rules’ for any organisation working on, or seeking to influence, elections in the UK. Part IV of this Act laid out the framework in which third parties could carry out electoral campaigning.

PPERA imposed some financial restrictions on the permissible activity of third parties where this spending could result in some change in voting, whether intentional or otherwise. However, the financial ceilings in the PPERA were so high that few, if any, not-for-profit organisations were affected. Further to this, the fact that the restrictions contained within PPERA applied solely to published materials distributed to the public (and associated staff time) meant that much of the commentary carried out by charities fell outside the remit of the Act. Finally, the restrictions contained in the Act were national ones. As such, organisations carrying out specific local campaigns were completely unaffected.

In 2014 additional legislation to govern elections was passed in the form of Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act, or ‘Lobbying Act’. In contrast to the liberalisation of Charity Commission guidance on campaigning pre-2010 the language of Lobbying Act included a number of restrictive clauses which shifted the campaigning landscape significantly. The Lobbying Act made the following changes to the laws specifically on third party election-time campaigning:

1. A wider range of activities are regulated: including all campaigning activities and associated staff costs. This is very hard or impossible to manage across complex organisations where staff spend time on multiple activities – regulated and unregulated. The definition of controlled activities remains unclear in its scope.
2. ‘Working together’ rules make each organisation in a coalition jointly liable for total spending. This made the formation of third sector campaigning coalitions very difficult.
3. New reporting requirements to the Electoral Commission were introduced.

4. The regulated period still starts 12 months before all local and national elections. In the majority of cases this is longer than the regulated period for political parties, which is usually four months for any election except a general election (when it is also 12 months).
5. It reduced the national spending limits for registered third party campaigners, by 60-70%.
6. New, very tight spending limits for targeted constituency spending: £9,750 – a tiny sum when staff costs are included.

The government's impact assessment for the Lobbying Act said that the Act was necessary due to "a perception of a lack of transparency in the way that third parties campaign in elections", yet no direct evidence was provided.³⁰

The impact of the Lobbying Act

The Act imposed limits of only a few thousand pounds in any one constituency on any group of campaigners, and a whole raft of costs needed to be counted as part of these limits. This presented a barrier to campaigning by charities, either alone, or in concert with others. As a result of this, evidence gathered by the Commission on Civil Society and Democratic Engagement, led by Lord Harries (known as the Harries Commission) pointed to the charitable sector scaling back its campaigning activities throughout 2015.

For example, anti-racism charity Hope Not Hate was compelled to change from its normal model of highly targeted individualised local campaigns, designed to maximize impact, to a generic national campaign that failed to build on the anti-racism strategy it had developed over a number of years – and whose impact was diminished thereby. Smaller charities saw equally dramatic changes, such as Cytûn, a charity that represents Welsh churches and distributes literature publicising its members' campaigns, which changed the content of its leaflets so that no organisational opinion could be found on any literature in case these publications could be viewed as restricted activity.

Even major charity brands such as the Salvation Army – which is nominally a non-campaigning charity – were wary of providing their support to causes or campaigns in case the action was deemed to be partisan campaigning.

Over half of those responding to the Harries Commission's call for evidence stated that the Lobbying Act had slowed down the

planning of their campaigns as they negotiated the new system. National campaigning organisation 38 Degrees argued that the Electoral Commission failed to set adequate guidelines for what was expected, leading to a high degree of under or over reporting. The end result was a diminished voice for those who most needed to be heard.

The Harries Commission report said that the chilling effect was significant:³¹

“Our members have told us that their grassroots campaigners and volunteers have been terrified into silence by the Act and just haven’t been campaigning because they’ve been worried about falling foul of the regulations.”

The Harries Commission concluded that there was no evidence that running the election under the previous – far less restrictive – regime would have resulted in any voters being unduly influenced by the activities of charities. It further argued that there was never any clear justification for part two of the Act, which applies the provisions of the Act to the campaigning activity of independent charitable organisations.

The Hodgson Review

One of the caveats introduced with the Lobbying Act was that a review of its impact be carried out a year after its enactment. This was carried out by Lord Hodgson of Astley Abbots and was published in early 2016. Unlike previous commentary on the Lobbying Act, Lord Hodgson did not recommend the repeal of Part 2 of this Act, instead holding that a degree of regulation was necessary. The review did however recommend significant reform of the Act.

Lord Hodgson emphasised that any regulation should be focused on electoral campaigning, rather than broader advocacy.³²

Organisations which discuss a given social issue on a regular basis should not see this activity restricted or monitored excessively simply because there is an election coming up.

“The regulation should not capture the advocacy of an issue that an organisation may carry out on a day to day basis – its business as usual – nor the political campaigning it carries out directly trying to influence political parties and individual politicians.”

Lord Hodgson of Astley Abbots

Like Lord Harries before him, Lord Hodgson drew attention to the ‘chilling effect’ which this legislation caused. The Lobbying Act covered any activity which could be ‘reasonably regarded’ as

attempting to influence voters. This is an extremely vague definition and, as we have discussed, meant that many organisations felt uncomfortable carrying out activity which was entirely innocent. The fear was not only due to the potential of the regulator to misinterpret a given campaign, but also of malicious complaints from individuals who did not share the charities' position.

In October 2016 the Electoral Commission published its response to Lord Hodgson's review.³³ Its report highlighted some areas where it suggested further consideration should be given but overall the Electoral Commission gave a very positive response to the review, writing in its letter to Chris Skidmore MP:³⁴

"We are very supportive of most of the recommendations and hope they are taken forward by the government when opportunity for this permits."

However, despite unity within the sector and the support of the Electoral Commission, there has as of yet been no formal move towards accepting any of the recommendations.

3.3 Local and national government funding

In February 2016, Matthew Hancock MP, Minister for the Cabinet Office, announced a new clause to be inserted into all government grants – to both third sector and private organisations.

This clause specifically prohibited the money included within the grant concerned from being used to:³⁵

"Influence or attempt to influence Parliament, government or political parties, or attempting to influence the awarding or renewal of contracts and grants, or attempting to influence legislative or regulatory action."

Ostensibly, this clause was designed to prevent 'government from lobbying government'. However conflating charities which receive some of their income from a grant but are independently governed, with a wing of government is an erroneous argument. To argue such a position is to misunderstand the nature of both government and civil society.

ACEVO was concerned that should the clause be left standing, it would hugely damage the ability of charities to speak out on behalf of their beneficiaries. The impact of this would have gone far beyond preventing charities from criticising government policy which harms their beneficiaries. It could also have been read in such a way that prevented charities from feeding back on the work they do with government, a process crucial to the continual improvement of our public services.

The introduction of this clause was, unsurprisingly, overwhelmingly opposed by the charity sector. One of the major concerns of the sector following the proposal of the clause was its incompatibility with the Compact. First implemented in 1996, the Compact is designed to ensure that the government consults with the voluntary sector in the creation of its policies. With the introduction of the anti-advocacy clause, it appeared that the government had abandoned these principles.

Following vocal opposition to this from across the charity sector, the Cabinet Office announced a pause on the implementation of the clause. This was, nominally, to allow it to consider representations from across the third sector and elsewhere. Following the departure of Cabinet Office Minister Matt Hancock to the Department of Culture, Media and Sport, responsibility for reviewing the clause was transferred to Minister for the Cabinet Office and Paymaster General Ben Gummer.

The campaign to prevent the universal implementation of the anti-advocacy clause proved successful when on 2 December 2016 the Minister for Civil Society announced new grant standards which better protected the role of charities to speak out on behalf of beneficiaries. Whilst this policy change was welcome, the sector should not be complacent about the consequences and impact of the redrafted clause. There are still restrictions on:³⁶

“using grant funds to fund lobbying (via an external firm or in-house staff) in order to undertake activities intended to influence or attempt to influence parliament, government or political activity.”

There have also been anecdotal reports of local authority contracts and clauses preventing charities from speaking out publicly against the local authority.

3.4 Political opinion

In 2014 market research firm nfpSynergy compared politicians' and journalists' views of charity campaigning to those of the general public, and discovered that while 58% of the public agreed 'charities should be able to campaign to change laws and government policies relevant to their work', very few members of parliament had the same view. In this study no Conservative MPs, 16% of Labour MPs and only 8% of Liberal Democrat MPs were positive about charities undertaking 'political' work. Many – 78% of Conservatives, 23% of Labour MPs and 38% of Liberal Democrats – were negative about charity campaigning.³⁷

There is a clear divergence between the views of the charity sector and the general public about the role of charity in society, and the view of the purpose of charity held by the majority of MPs in Westminster.

3.5 Risk averse leadership

Less than one quarter of charity leaders and chief executives surveyed by ACEVO in 2015 felt strongly confident about their organisation speaking out in public. In December 2016, research by Sheila McKechnie Foundation found that 53% of campaigners thought that senior managers and trustees were being more cautious about campaigning.³⁸

This caution is often combined with a lack of expertise at board level. Research carried out by ACEVO, nfpSynergy and *Third Sector* found that many boards are not well equipped to manage and support campaigning. Of those trustees surveyed, only 7% of board members said campaigning was their main expertise/background while a further 16% listed it as a secondary skill.³⁹

It is unclear why there is less representation of campaigning expertise at board level. It may be that campaigners are not as numerous in the sector as fundraisers or frontline service staff or perhaps less likely to feel sufficiently qualified to put themselves forward for trustee positions. Equally, it may reflect a sector which is beginning to silence itself in the face of various threats. If charities feel that campaigning may threaten their reputation – or even their continued existence – then it is easy to imagine them winding down such activity. While there is little comprehensive data on this topic, the anecdotal evidence collected by the Harries Commission and the Hodgson Review would support such a hypothesis. It is therefore of importance that charities are given

the tools to speak with confidence about the need and public benefit that is derived from charity campaigning.

3.6 Public opinion

A number of studies including the Charity Commission's annual *Public Trust and Confidence* survey have found a drop in public trust and confidence in charities since 2013.⁴⁰ Following a series of high profile stories raising concerns about fundraising practice and governance, charities have acknowledged that they must work hard to improve public trust in charity.

However, caution should be applied before using such studies to draw conclusions on public opinion on charity campaigning specifically, on which there is relatively little solid research. A report by nfpSynergy in 2016 found that 63% of people think it is acceptable for charity to challenge government policy⁴¹, and whilst the aforementioned Charity Commission survey found that 33% of the public said their trust in charities has decreased, only 3% cited charities being 'too political' as a reason. Much more frequently stated concerns were: how charities spend their money (32%), pressuring fundraising tactics (18%), and not knowing where the money goes (21%).⁴²

The mood of the charity sector, as reflected in decisions that have been made at leadership and governance level seems to be that charity campaigning is increasingly high risk and has little public support. However, there isn't yet sufficient evidence to say that public opinion does not support charity campaigning.

As part of the drive to improve trust and confidence charities do need to clearly articulate to beneficiaries, supporters and donors the public benefit of all their work, including advocacy, lobbying and campaigning but there is no material reason that would support the view that charities need to avoid engaging in campaigning work to win back public trust.

4. Charity campaigning: what next?

4.1 Where are we now?

Ours is not the first report to summarise the difficult operational climate that charities are currently working within. In the last month alone the House of Lords Select Committee on Charities⁴³ and Civil Exchange⁴⁴ have published reports that comprehensively outline the challenges faced by civil society organisations in regards to campaigning. Prior to the publication of these reports successive studies into the effect of recent legislation have suggested a significant ‘chilling effect’.

Such support for charity campaigning is both welcome and necessary following five years of attacks on a charity’s right to speak out; attacks which have resulted in many organisations scaling down or ceasing their campaigning activities despite the fact that proposed activities would fall well within the confines of the permitted.

“[The] tremendous campaigning work by Black Mental Health UK...to expose injustices in the way black people with mental ill health in particular are treated, and ensure politicians take action to put things right.”

The Prime Minister, Theresa May

The challenge for the sector now that the hurdles have been identified is to navigate a path over them. While there have been murmurings of changes in attitudes towards charity campaigning within parliament with the rewording of the ‘anti-advocacy’ clause and Theresa May’s nod to the importance

of the campaigning work of Black Mental Health UK in a speech delivered at the Charity Commission⁴⁵, much more will need to be done to alleviate the harmful effects of years of inconsistent and unhelpful rulings, policies and media coverage.

4.2 What next: the role of government and the regulator

In order to return clarity there needs to be greater consultation and transparency around policy proposals which could impact on charitable advocacy and campaigning. Too often decisions which have implications for charitable campaigning are being made behind closed doors and announced without proper consultation, as was the case with the anti-advocacy clause. This was highlighted in House of Lords Select Committee report on charities which recommended that:⁴⁶

...the Government reviews its approach to engagement with the charity sector before policy announcements are made, with a view to ensuring that charities feel better informed about legal changes which may affect them and have a greater opportunity to provide input on new policies. (Recommendation 38)”

Historically, governments have demonstrated their commitment to encouraging charitable advocacy through ‘the Compact’. Among the various principles included in this document is a commitment to ‘Respect and uphold the independence of CSOs [civil society organisations] to deliver their mission, including their right to campaign’⁴⁷. While every department works to meet the aims of the Compact, there has been no whole-government commitment to it since David Cameron took office in 2010.⁴⁸

In order to demonstrate her commitment to the campaigning of the voluntary sector, the prime minister should re-sign the Compact. By restating her support for charity campaigning, she could reassure the sector that it is right for them to speak out. If this happens, then charities seeking to challenge the terms of government grants containing excessively restrictive clauses would have a much stronger base on which to engage with ministers and civil servants.

Further to this, the Charity Commission should publicly restate its commitment to the principles and guidance outlined in CC9. All of these changes would inspire confidence among charity leaders in their campaigning activities. Regardless of any change in the law, we need this confidence reinstated if we are to ensure a vocal charity sector.

4.3 What next: the role of civil society

A unified charity sector acting with support of their beneficiaries is a powerful tool for change. Charities must be unapologetically bold and vocal in defending the necessity of non-partisan political campaigning in achieving public benefit.

It is our belief that charities are a political necessity. There are 650 MPs sitting in the House of Commons and 64.1 million people living in the UK. It is not realistic to expect each of these MPs to be aware of every issue which may affect their constituents at any given moment. MPs need research from grassroots and large national charities in order to be able to govern effectively. Here,

charitable campaigning provides support to our elected representatives, ensuring they are better able to make decisions on issues they may not previously have been fully aware of. There is also significant benefit for politicians in regards to charitable research and lobbying. Without the charity sector's knowledge the government would be required to fall back on its own resources to fund research. This would require a significant increase in the public payroll to employ additional staff.

Charity campaigning is a hugely valuable resource, which does much for our society. The contributions made to our civic consciousness by the voice of charity are too important to lose, especially at a time of unprecedented political disengagement. The charity sector must now use its expert skills to defend its own right to campaign so that civil society can continue to shape the social, health and environmental landscapes for the betterment of the people and causes they support.

Following the model used in chapter 2 of this report, we call for the creation of a publicly available repository of charity campaigning case studies which highlight the role charities have had in achieving social, policy, environmental and/or legal reform. In this way charities can be prepared for any future attacks on campaigning which further erode charities' confidence and rights.

The aim of this report is to serve as a first step to reclaiming, reframing and refocusing the debate on charity campaigning. Charities should be proud of the role that campaigning has in the sector's history, philosophy and aspirations. Charity leaders should have the confidence to campaign to meet the organisation's charitable objectives no matter who the organisation receives funding from, at whatever point in the election cycle. We hope that this report has acted as an important first step to creating a more positive debate on the role, purpose and necessity of charity campaigning. ACEVO is committed to continuing to collate and champion case studies demonstrating that charities speaking frankly and acting boldly have created a fairer, healthier, more just society.

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Endnotes

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- ¹ Phillips, M. (2016) Politicisation of charities must be stopped *The Times* Available at <http://www.thetimes.co.uk/edition/comment/politicisation-of-charities-must-be-stopped-j5pq0x0l6>
- ² The Baring Foundation (2015) *An Independent Mission: The Voluntary Sector in 2015* Available at <http://baringfoundation.org.uk/wp-content/uploads/2015/02/IP-Mission.pdf>
- ³ Sheila Mckechnie Foundation (2016) *SMK Annual Campaigners Survey* Available at <http://www.smk.org.uk/wp-content/uploads/2015/11/Campaigning-Survey-Slides-Public.pdf>
- ⁴ House of Lords Select Committee on Charities (2017) *Stronger charities for a stronger society* Available at <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldchar/133/133.pdf>
- ⁵ Barnett, S. (1912) Quoted in Ope, R. et al (1986) *Social Welfare in Britain 1885-1985*
- ⁶ Ricketts, A. (2014) Civil society minister Brooks Newmark criticised for saying charities should stay out of politics *Third Sector* Available at <http://www.thirdsector.co.uk/civil-society-minister-brooks-newmark-criticised-saying-charities-stay-politics/policy-and-politics/article/1310802>
- ⁷ Cowden, S. and Singh, G. (2007) *The 'User': Friend, foe or fetish?: A critical exploration of user involvement in health and social care*, Critical Social Policy
- ⁸ National Council for Voluntary Organisations (2015) *Civil Society Almanac*. Available at <http://data.ncvo.org.uk/a/almanac15/economy/>
- ⁹ National Council for Voluntary Organisations (2014) *Civil Society Almanac 2014* Available at <http://data.ncvo.org.uk/a/almanac14/how-many-people-work-in-civil-society-2/>
- ¹⁰ Charity Commission (1982) *Report of the Charity Commissioners for England and Wales for the year in 1981* Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228780/0363.pdf
- ¹¹ Williams, I (2007) *The Alms Trade: Charities, Past, Present and Future* London: Cosimo
- ¹² Prime Minister's Strategy Unit (2002), *Private Action, Public Benefit* Available at <http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/media/cabinetoffice/strategy/assets/strat%20data.pdf> .
- ¹³ Ibid
- ¹⁴ Charity Commission (2008) *CC9: Speaking out: guidance on campaigning and political activity by charities* Available at: <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9/speaking-out-guidance-on-campaigning-and-political-activity-by-charities#working-with-political-parties-and-politicians>
- ¹⁵ YouGov (2014) *ASH/YouGov Survey Results* Available at https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/dtj6xurw55/YG-Archive-140327-ASH-3.pdf
- ¹⁶ Action on Smoking and Health (2004) *Annual Review 2004*
- ¹⁷ Action on Smoking and Health (2006) *Annual Review 2006*
- ¹⁸ Hale, M. (1676) Available at <https://www.leeds.ac.uk/law/hamlyn/rvr.htm>
- ¹⁹ *R v R* [1992] 1 A.C. 599, House of Lords Available at: <https://www.leeds.ac.uk/law/hamlyn/rvr.htm>

²⁰ Ibid

²¹ WRAP (2014) *Wrap announces new carrier bag figures* Available at http://www.wrap.org.uk/2015_carrier_bag_figures

²² Smithers, R. (2016) England's plastic bag usage drops 85% since 5p charge introduced *The Guardian* Available at

<https://www.theguardian.com/environment/2016/jul/30/england-plastic-bag-usage-drops-85-per-cent-since-5p-charged-introduced>

²³ Jones, C. (2016) *Dolphins on display: How UK's 'Seaworlds' sank*

Available at <http://www.bbc.co.uk/news/uk-england-35832175>

²⁴ Born Free Foundation (2016) *Captive Whales and Dolphins - UK*

Available at <http://www.bornfree.org.uk/campaigns/zoo-check/captive-whales-dolphins/uk/>

²⁵ Williams, R. (2014) Oxfam 'perfect storm' poster attacked as 'shameful' by Conservative politicians, *Independent*

²⁶ Charity Commission (2014) *Operational Case Report: Oxfam*, p.1 (202918). Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431592/ocr_oxfam.pdf

²⁷ Charity Commission (2016) *The European Union referendum: the Charity Commission's regulatory guidance for charities* Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510286/eu_referendum.pdf

²⁸ Deacon, D; Harmer, E; Downey, J; Stayner, J. & Wring, D. (2016) *UK News Coverage of the 2016 EU Referendum* Available at:

<https://blog.lboro.ac.uk/crcc/eu-referendum/media-coverage-eu-referendum-report-2/>

²⁹ Political Parties, Elections, and Referendums Act 2000

http://www.legislation.gov.uk/ukpga/2000/41/pdfs/ukpga_20000041_en.pdf

³⁰ Cabinet Office (2013) *Impact Assessment on Third Party Campaigning in Elections* Available at: <http://www.parliament.uk/documents/impact-assessments/IA13-22B.pdf>

³¹ Commission on Civil Society and Democratic Engagement (2015) *Non-Party Campaigning Ahead of Elections* p.20 Available at:

<http://civilsocietycommission.info/wp-content/uploads/2013/09/FINAL-Civil-Society-Commission-Report-no4-Sept-2015.pdf>

³² Hodgson, R. (2016) *Third Party Election Campaigning: Getting the Balance Right* Available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/507954/2904969_Cm_9205_Accessible_v0.4.pdf

³³ The Electoral Commission (2016) *Response to Lord Hodgson's Review of Third Party Campaigning* available at:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/216942/WatsonJ-to-SkidmoreC-2016-10-Lord-Hodgson-Review-PDF.pdf

³⁴ Ibid

³⁵ Rt Hon Matt Hancock MP (2016) *Government announces new clause to be inserted into grant agreements* Available at

<https://www.gov.uk/government/news/government-announces-new-clause-to-be-inserted-into-grant-agreements>

³⁶ Cabinet Office (2016) *Government Grants Minimum Standards* Available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/573795/minimum_grant_standard_6_grant_agreements_16_11_2016.pdf

³⁷ nfpSynergy (2014) *The Politics of Charities* Available at:

<http://nfpsynergy.net/politicscharities>

³⁸ Sheila Mckechnie Foundation (2016) *SMK Annual Campaigners Survey* Available at <http://www.smk.org.uk/wp-content/uploads/2015/11/Campaigning-Survey-Slides-Public.pdf>

³⁹ nfpSynergy, Third Sector and Charity Futures (2016) *National Trustee Survey* available at www.nfpsynergy.net

⁴⁰ Charity Commission (2016) *Public Trust and Confidence in Charities* Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/532104/Public_trust_and_confidence_in_charities_2016.pdf

⁴¹ nfpSynergy (2016) *Public, media and MPs' attitudes towards campaigning* Available at: <https://www.civilsociety.co.uk/news/report---public--media-and-mps--attitudes-towards-campaigning-.html>

⁴² Charity Commission (2016) *Public Trust and Confidence in Charities* Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/532104/Public_trust_and_confidence_in_charities_2016.pdf

⁴³ House of Lords Select Committee on Charities (2017) *Stronger charities for a stronger society* Available at <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldchar/133/133.pdf>

⁴⁴ Slocock, C. (2017) *Shared Society?* Civil Exchange

⁴⁵ Theresa May (2017) *Speech to the Charity Commission Annual Meeting* Available at <https://www.gov.uk/government/speeches/the-shared-society-prime-ministers-speech-at-the-charity-commission-annual-meeting>

⁴⁶ *ibid*

⁴⁷ Compact Voice (2010) *The Compact* Available at

<http://www.compactvoice.org.uk/resources/compact-text-format>

⁴⁸ Plummer, J. (2010) *David Cameron: Compact will be refreshed and renewed* Available at <http://www.thirdsector.co.uk/david-cameron-compact-will-refreshed-renewed/infrastructure/article/1004450>