

OBSTACLES TO POLITICAL CAMPAIGNING BY CHARITIES: LINKING THE LEGAL AND THE PRACTICAL

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A. Introduction

Charities involved in political campaigning in furtherance of their objects are faced with a range of legal and practical pressures and barriers. As a result of the return of campaigning to the forefront of sector consciousness, some of these pressures and barriers are catered for by emerging literature and support programmes for campaigning.² Nevertheless, some of the non-legal pressures faced³ are arguably underpinned by prevailing attitudes towards campaigning by charities.⁴ These attitudes are deep-rooted and pervasive, and thus difficult to quantify or challenge. This article has two main purposes. The first is to consider how both the law relating to political campaigning and a range of practical, non-legal pressures affect the decisions and activities of charities involved in political campaigning. The

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² See, for example, the work of the Sheila McKechnie Foundation (<http://www.sheilamckechnie.org.uk> [29/04/09]) and NCVO's Campaigning Effectiveness Programme (<http://www.ncvo-vol.org.uk/campaigningeffectiveness/index.asp?id=2843> [29/04/09]).

³ Examples of such pressures considered in this article include: trustees' views of the importance of campaigning in relation to other activities; concerns over the impact of campaigning on a charity's reputation; the impact of the activities of other charities working in a charity's field and the size of the charity in relation to these charities; issues of campaigning capacity both in terms of expertise and funding; difficulties in acquiring external funding for campaigning; and real or perceived pressure against dissent from government funders.

⁴ For a recent illustration of such attitudes, see Jill Kirby, Director of the Centre for Policy Studies, 'Spare some change for our new billboard? Charities will lose public trust if they put political campaigning above helping the needy.' *The Times*, April 7, 2009.

discussion here draws upon the results of a qualitative empirical study, conducted in 2006, which involved structured analysis of detailed interviews with representatives⁵ of sixteen⁶ registered charities based in England and Wales.⁷

The second purpose of the article is to note the *relationship* between the legal issues in campaigning and the non-legal pressures faced, the latter of which tended to be the main concern of study participants. Whilst a high proportion of participants did not consider the law when planning their campaigning activity (for a variety of reasons) and were more concerned with practical issues and challenges, the article argues that the particular obstacles they faced were more deeply rooted in the current legal situation than many of the charities perceived. On the basis of the argument that the current law is one of the underlying causes of the negative attitudes which underpin problems faced by charities in practice, the article goes on to consider the possibilities for law reform.

B. Political campaigning: the law

It is not the intention of this article to add to the existing detailed expositions⁸ of the law surrounding political objects and activities, nor to engage in extensive criticism of its rationales. For the purposes of the present discussion, it is sufficient to note the following general points. “Political” objects are incompatible with charitable status.⁹

5 The interviews were conducted with representatives possessing appropriate knowledge within each organisation. Chief Executive Officers (CEOs) of participant charities were provided with details of the purpose of the study and selected representatives on the basis of this information. The representatives tended to be the CEOs themselves in the smaller and medium-sized charities, and senior policy or campaigning officers in larger charities.

6 The number and characteristics of charities included in the study were not pre-determined, but were a result of the emergent methodological approach which allowed for sampling choices to be made in accordance with thematic gaps and theoretical questions which arose during analysis.

7 As with most qualitative studies, the sample was not intended to be strictly representative of the charity sector as a whole. Nevertheless, the sampling strategy employed ensured selection of participant charities with a range of characteristics. They included charities operating on local, national and international bases; charities with a wide range of object types; and charities which placed various levels of emphasis on campaigning work in proportion to other types of activity. Further (anonymised) details of the charities involved in the study (including those not quoted directly in this article) are contained in the addendum to the article.

8 See, for example, A. Dunn, ‘Charity Law as a Political Option for the Poor’, 50(3) *NILQ* 298, p.306; C.J. Forder, ‘Too Political to be Charitable?’, [1984] 48 *Conv* 263, pp.269-271; G.F.K. Santow, ‘Charity in its Political Voice: A Tinkling Cymbal or a Sounding Brass?’, (1999) *CLP* 255; T.G. Watkin’s casenote: [1982] 46 *Conv* 387; C.E.F. Rickett, ‘Charity and Politics’, (1982) 10 *NZULR* 169; R. Nobles, ‘Politics, Public Benefit and Charity’, [1982] 45 *MLR* 704; F. Weiss, ‘Quot Homines Tot Sententiae or Universal Human Rights: A Propos McGovern v Attorney General’, [1983] 46 *MLR* 385.

9 *Bowman v Secular Society* [1917] 406.

In terms of substance, what counts as “political” changes over time as laws and government policies change.¹⁰ In terms of type, the categories of “political” object were summarized by Slade J in the “*Amnesty International*” case¹¹ as those which either further the interests of a particular political party; procure changes in the laws of this or a foreign country; or procure reversal of government policy or of particular decisions of governmental authorities in this country or a foreign country. It should be noted that Slade J specified that he did not intend the above categorisation to be exhaustive.¹² Various aspects of this definition have caused difficulties. The prohibition of “securing changes” in the law was extended to include “maintenance” of existing laws,¹³ but distinguished from the (acceptable) “enforcement” of existing laws.¹⁴ Difficulties have also been caused by the question of whether “securing changes in the law” is limited to explicit intentions to secure changes¹⁵ or includes implicitly “involving” changes,¹⁶ and by the distinction between genuine education in political matters and political propaganda disguised as education.¹⁷ The combination of these difficulties has led on occasions to the promotion of attitudes of mind *simpliciter* being held to be political, despite not falling into any of the *McGovern* categories.¹⁸

This area of law is further complicated by the application of the general charity law rule that ancillary objects (i.e. those which are actually means to achieving a

10 For example, objects which promoted good race relations were held to be political by the High Court in 1949 (*Re Strakosch* [1949] Ch 529), but have been considered charitable by the Charity Commission since 1983 ([1983] Ch Com Rep 10-11 paras.15-20), following the passing of the Race Relations Act 1976, which resolved the question of public benefit.

11 *McGovern v Att-Gen* [1982] Ch 321 at 340.

12 *Ibid.*

13 *Re Hopkinson* [1949] 1 All ER 346 at 350 per Vaisey J.

14 See *Re Herrick* (1918) 52 ILT 213, in which a trust to promote prosecutions for cruelty to animals was held to be charitable. See also *Re Vallance* (1876) 2 Seton’s Judgements (7th ed) 1304; *Public Concern at Work* [1993] 2 Decisions 5, 10, in which the Charity Commission accepted that the promotion of compliance with the law was charitable under the fourth *Pemsel* head by analogy with trusts to enforce the law.

15 As in *Hanchett-Stamford v Att-Gen* [2008] EWHC 330 (Ch), [2008] 4 All ER 323.

16 *Animal Defence and Anti-Vivisection Society v IRC* (No. 2) (1950) 66 (Pt. 2) TLR 1091 at 1094-5. See L.A. Sheridan, ‘Charity versus Politics’, (1973) 2 A-ALR 47, p.51 for discussion.

17 See *Bonar Law Memorial Trust v IRC* (1933) 49 TLR 220; *Re Trusts of the Arthur MacDougall Fund* [1957] 1 WLR 81; *Re Hopkinson* [1949] 1 All ER 346; *Re Bushnell* [1975] 1 All ER 721, applied by the Charity Commissioners in relation to *Commonwealth Magistrates Association* [1975] Ch Com Rep 20-21, paras.63-64.

18 See *Buxton v Public Trustee* [1962] 41 TC 235, followed by Charity Commission [1963] Ch Com Rep 14, para.39. See also *Re Strakosch* [1949] Ch 529.

charity's main objects) do not vitiate charitable status.¹⁹ Early applications of this rule in the context of political objects²⁰ were judicially criticised.²¹ Later applications of the rule illustrate the difficulty the courts have had in applying the rule and purporting to distinguish between ends and means whilst failing to clarify the nature of this distinction.²²

The term "ancillary rule" is used in two ways. First, it is loosely to refer to stated objects which are ancillary to other stated objects (with the former being stated means and the latter being stated ends). Second, it is used to refer to the actual activities of a charity, which must remain ancillary means to stated objects (ends).

The first aspect of the rule (relating to objects) may be problematic to apply because of the broad definition of "political object" considered above. Thus an ancillary object intended as merely a means to attain the main objects can be construed as a separate political object and render the organisation non-charitable. The second aspect of the rule (relating to activities) is problematic because of the basis upon which activities have been referred by the courts. Whilst there is nothing to prevent charities from employing political means²³ in furtherance of their charitable objects (as long as those means are within the powers contained in the governing document), this is not as straightforward as it appears. Activities which cross an ill-defined threshold of quantity and type may be used to construe objects as political.²⁴

In theory, the basis of this use of activities is the application of a general rule that the courts and the Charity Commission may refer to a charity's activities when examining the nature and status of its objects. In the case of an existing charity, the activities referred to can be both its past and its present activities.²⁵ Where the

19 *Incorporated Council of Law Reporting for England and Wales* [1972] Ch 73 at 84c: "purposes merely ancillary to a main charitable purpose, which if taken by themselves would not be charitable will not vitiate the claim of an institution to be established for purposes that are exclusively charitable".

20 *Re Scowcroft* [1898] 2 Ch 638; *Re Hood* [1931] 1 Ch 240.

21 *In Bonar Law Memorial Trust v IRC* (1933) 49 TLR 220. Contrast approach in *IRC v Temperance Council* (1926) 136 LT 27.

22 *Yorkshire Agricultural Society* [1928] 1 KB 611. For comment on the ends/means distinction, see A. Dunn, 'Charity Law as a Political Option for the Poor', 50(3) *NILQ* 298, p.306; C.J. Forder, 'Too Political to be Charitable?', [1984] 48 *Conv* 263, pp.269-271.

23 *McGovern v Attorney-General* [1982] Ch 321 at 340 per Slade J. A similar approach has been taken in other jurisdictions: see *Re Laidlaw Foundation* (1984) 13 DLR (4th) 491 at 506 per Dymond SCJ.

24 See Charity Commission *Speaking Out - Campaigning and Political Activity by Charities* (CC9) (2008) for the Charity Commission's interpretation and application of this rule.

25 See *Animal Abuse, Injustice and Defence Society* [1994] 2 Decisions 1. See also *Institute for the Study of Terrorism* [1988] Ch Com Rep 7, paras.27-34.

organization is new or new to charitable registration, its proposed activities will be examined.²⁶

Activities are referred to in determining objects in two (supposedly distinct) ways: to determine true objects where they are unclear, and to determine whether purposes are charitable. In terms of the determination of objects, where objects are not clearly stated, and a charity's purposes are thus ambiguous in the context of the governing document, activities - as part of the factual matrix accompanying the execution of a trust - can be referred to as evidence of true purposes.²⁷ However, clear and unambiguous purposes stated in a governing document are decisive, and reference should be made to nothing else.²⁸ Where objects are clear, activities may be relevant to questions of breach of trust rather than to the construction of the purposes themselves.

With regard to determination of charitable status, if an organisation's objects are stated clearly in the governing document, but it is unclear if they are charitable, the court may look at the trust's activities to help determine whether the main objects are charitable. However, the activities looked at must be *intra vires* and of probative value.²⁹ Reference to such activities may enable determination of the consequences of pursuing the objects.³⁰

An exception to the activities referred to needing to be *intra vires* is where the governing document, whilst setting out clear charitable objects, is a sham and hides the true objects of the trust.³¹ This rule is problematic. It is contended that in effect, it is not merely an exception to the *intra vires* rule outlined above,³² but actually undermines it. The "sham purposes" rule leaves it open for all (both *intra* and *ultra*

26 *Southwood v Attorney-General* [2000] WTLR 1199, affirming the decision of Carnwath J, *The Times*, 26 Oct 1998; *Margaret Thatcher Foundation* [1991] Ch Com Rep 13, para.75.

27 *McGovern v Attorney-General* [1982] Ch 321; *Southwood v Attorney-General* [2000] WTLR 1199, affirming decision of Carnwath J, *The Times*, 26 Oct 1998. See also P. Luxton, *The Law of Charities*, OUP (2001), paras.7.23 and 10.52 for discussion of potential differences in this aspect of the judgement at first instance and appeal.

28 *IRC v Oldham TEC* [1996] STC 1218 at 1234 per Lightman J.

29 *Att-Gen v Ross* [1986] 1 WLR 252. N.B. Whilst the terms *intra vires* and *ultra vires* are technically incorrect when referring to trusts rather than corporations, they are used here for convenience.

30 *Incorporated Council of Law Reporting for England and Wales v Attorney-General* [1972] Ch 73 at 91; *IRC v Oldham TEC* [1996] STC 1218.

31 The potential for this was recognised in *Re McDougal* [1957] 1 WLR 81 at 91.

32 i.e. that only *intra vires* activities should be looked at to determine charitable status, and any *ultra vires* activities should be relevant instead to questions of breach of trust.

vires) activities to be looked at even where the purposes are clearly stated. This can result in a charity's activities being used to construe its objects as political in circumstances where it is arguable that instead the trustees should have been held to have acted *ultra vires* or in breach of trust.

To compound the problem outlined above, the courts have tended to conflate the questions of determining true objects and determining charitable status.³³ This tendency is problematic. First, it makes it unclear whether the courts are looking at *intra vires* or *ultra vires* activities when determining charitable status. If they have not defined the true objects prior to determining charitable status, it is impossible to define whether an activity is *intra vires* or *ultra vires*. Second, this exacerbates the existing problem identified above, that the *intra vires* rule is undermined by the "sham purposes" exception.

Luxton has asserted that the Charity Commission (in its quasi-judicial, decision-making capacity) has in the past taken the approach that it can look at activities when determining objects in all circumstances.³⁴ He has also asserted that this approach is dubious in the light of authority that activities should only be considered where there is ambiguity.³⁵ The Commission has, in the past, taken the same approach as the courts in terms of conflating the question of determining true objects with the question of charitable status. This approach is broad enough to allow reference to activities in most circumstances, regardless of whether objects themselves are clear or ambiguous.³⁶ It should also be noted that activities may also be referred to in the determination of public benefit.³⁷ This may render the above problems with referring to activities in the determination of objects and charitable status largely irrelevant in practice.

³³ See *Southwood v Attorney-General* [2000] WTLR 1199, affirming decision of Carnwath J, *The Times*, 26 Oct 1998.

³⁴ *Ibid.* See P. Luxton, *The Law of Charities*, OUP (2001), para.10.54 for discussion.

³⁵ *IRC v Oldham TEC* [1996] STC 1218.

³⁶ For the Commission's approach to an organisation's activities at the point of registration, see *CC Application for Registration as a Charity Pt C.*, and, in the context of political activities, *English Pen* [2008] Ch Com Dec July 21, para. 9 *et seq.* For an overview of the Commission's intended future approach to activities in this context (which may, to some degree, solve existing problems of application), see *Analysis of the Law Underpinning Charities and Public Benefit*, December 2008, Part 4.

³⁷ The question of public benefit is determined by the court forming an opinion on the evidence before it, and activities may form part of this evidence: see *National Anti-Vivisection Society v Inland Revenue Commissioners* [1948] AC 31 at 44 per Lord Wright; *McGovern v Att-Gen* [1982] Ch 321 at 333 per Slade J. See also the Charity Commission's statutory public benefit guidance, *Charities and Public Benefit* (January 2008) and its *Analysis of the Law Underpinning Charities and Public Benefit* (December 2008) for an overview of the emphasis placed on public benefit by the Charities Act 2006.

To summarize the legal difficulties in this area, the definition of ‘political objects’ in charity law is broad, somewhat open-ended, and has lacked clarity in application. In addition, the application by the courts of the general charity law “ancillary” objects rule in the context of political objects and activities has been problematic and has exacerbated difficulties with the definition of political objects. A further difficulty is that the broad approach the courts and the Charity Commission have taken in the past to using organisations’ political activities to interpret their objects has rendered the rule that charities can employ political means in furtherance of their charitable objects uncertain.

C. The law on political campaigning: the perceptions of study participants

Given the level of complexity described above, it is unsurprising that only a small number of the charity representatives who participated in the empirical study had a clear understanding of the basic principles of the law on political objects and activities. The majority were unaware of the boundaries of acceptable political activity. This lack of awareness ranged from knowledge that the rules existed but lack of understanding of the details, to complete disregard.

I guess I don't know very much about the case law, it all seems to be around Yes, I've just been very confused by it all in general, the basic thing is avoiding the word political, I think (Charity K).

One charity saw itself as a campaigning organisation, despite being a registered charity:

The organisation's actually 40 years old, from its earliest days, and right from the outset it was a campaigning organisation, so the structure that was put in place was a sort of forum from which to campaign (Charity E).

If the above statement is an accurate reflection of the charity’s purposes in operation rather than the personal interpretation of the study participant, it appears to be a clear contravention of the rule that charities cannot exist for political purposes. Whilst the charities in the study were asked if their understanding of the law constrained their campaigning activity, only one charity specifically identified that charities had a legal obligation to constrain their campaigning activities:

You might be a campaigning not-for-profit company, but the rule on ancillary activities means that it is almost impossible to be a campaigning charity. Do charities restrict their own activities - yes, they are formally required to do so by virtue of the ancillary activity rule (Charity P).

However, Charity P also identified that there were low levels of awareness of this within charities generally, and therefore that:

... their decisions about whether or not to campaign and how to campaign or the extent of campaigning could not be informed by an understanding of the law (Charity P).

Charity E's statement (above) appears to illustrate Charity P's point, although Charity P's representative identified the low levels of awareness identified can also have the opposite effect. In his experiences, many trustees and charity staff were:

... 'reluctant' to campaign, or think it is dubious or quite simply that charity law makes it hard for them (Charity P).

The majority of study participants displayed a similar vagueness regarding the potential legal consequences of excessive or inappropriate political activity. It is outside the scope of this article to provide a detailed explanation of these potential legal consequences.³⁸ For the present purposes, it is sufficient to note that whilst informal action or formal investigation by the Charity Commission is the most likely first step, the most serious consequences involve either trustee liability for breach of trust or the construction of true objects as in fact political and a resulting loss of charitable status.

Perceptions of the potential legal consequences of acting outside of the boundaries of the law on political objects and activities varied between charities in the study. For the majority of charities in the study, awareness of the potential consequences of contravening the rules matched the level of general awareness of the law. One large charity's representative noted that many smaller charities were unduly fearful of the potential consequences of contravention:

I think smaller charities you'd get a very different kind of feeling from ... They think they're going to have their heads cut off ... (Charity A).

This view was shared by the representative of another major charity, who had experience in advising smaller charities:

... a limited number of small charities who thought that any critical comment of a political body would get them into trouble ... This is a highly specialised area; the concepts are alien to most people (Charity O).

One major charity, whilst aware of the law and potential consequences, felt that the actual possibility of enforcement was remote:

... this is an unenforced area of law. I mean if there were any likelihood whatsoever that Charity A doing a campaign on something completely you

³⁸ For a summary of the general powers of the Charity Commission and the Attorney-General in relation to the protection and enforcement of charities, see S. Lloyd, *Charities – The New Law 2006*, Jordans (2007), Chapter 8.

know ... if there was any likelihood of any charity that was operating within even spitting distance of a reasonable set of charitable purposes getting prosecuted or even being significantly told off, I think it would be different but in reality this is not an area of law that is enforced for the vast majority of charities (Charity A).

To summarize, the study found a general lack of awareness of the substance of the law relating to political objects and activities, even in general terms, although larger charities displayed a greater awareness of the relevant law than smaller charities. The study revealed instead that the primary concern of the majority of the charities engaged in campaigning was a plethora of issues ostensibly unrelated to the law on political objects and activities.

D. Non-legal pressures of political campaigning: the perceptions of study participants

Aside from the need to limit political campaigning activity in line with the legal constraints considered above (which are paid varying levels of attention in reality), a variety of non-legal factors are highly influential. Many of the charity CEOs and policy officers in the study noted that one of the main influences on a charity's campaigning activity was trustees' views of its importance in relation to other activities within the charity. Trustees' views were themselves influenced by the current dominance of service delivery under contract as a focus for charitable activity and government voluntary sector policy³⁹ was reflected in the responses of individual study participants:

The issues are much more about finances, the big issue in Charity F at the moment is about because we're such a big service provider, but because the world that we provide services in is changing, obviously we're a very service-driven organisation, and if you're working on the services side what you like to see is everything the whole organisation is doing supporting that activity, so for example, part of my job and my colleagues is to interpret the outside world and understand what it means for our services and to help our colleagues understand that too, and so if you're doing too much of that you're not doing much direct influencing change, and that's one tension, about how our time is spent (Charity F).

However, this emphasis appears to be, for some organisations, based on trustees' fundamental attitudes rather than on purely pragmatic decisions. Several charities

³⁹ For consideration of the pull towards service delivery within the charity sector see A. Dunn, *Demanding Service or Servicing Demand? Charities, Regulation and the Policy Process* MLR 2008 71(2), 247-270.

identified the existence of conservative tendencies within trustee boards, often within other charities with which they were familiar:

Trustee conservatism is a real issue for other organisations I know ... (Charity F).

Trustee attitudes may also be influenced heavily by concerns over reputation. Consideration of the impact of campaigning in general (or of a specific campaign) on a charity's public standing and reputation may have a significant effect on campaigning decisions. This is particularly the case where the subject matter is considered by the charity to be controversial:

Consideration of the whole charity really, [there] was one extreme view that needed to be dealt with, and I put forward the arguments against it ... I think that we'd have got lots of publicity but I think we would have lost support in the general public, I think it is incredibly extreme ... It would damage the reputation (Charity J).

...if you look at the number of complaints against Charity G to the Charity Commission in the last five years, more than any one issue it is around what we say or do on [controversial issue] so we have to be very sensitive and very careful. Every time, the Charity Commission has come on our side, every time. We have to make sure that we are within the law, we are within the spirit of the law ... I remember talking to the Charity Commission one time, and ... I said you know the law, we know the law ... but I think it's also good for us to have those checks and balances, and so we are sensitive not just to what the Charity Commission would say, but not to be seen as anti-[specific religion]. Also in our other campaigning we don't want to be seen as anti-World Bank or anti-IMF or anti-companies, what we want to do is obviously work in the interests of the poor (Charity G).

Concerns over reputation, as already noted above, translate in part into concerns over funding, as damage to reputation can translate into withdrawal of external financial support, considered further below. However, it may also be the case that charities' attitudes are influenced by the Charity Commission's approach. Whilst the 2008 version of Commission guidance CC9 has toned down its emphasis on risk to reputation, the version in place at the time the empirical study was conducted placed great weight on this particular risk, identifying it as "likely to require special consideration" and making repeated reference to it.⁴⁰

Many of the charities in the study mirrored the Charity Commission's concern over reputational risk in campaigning. However, there was evidence from the study that trustee attitudes were shifting. Several participants felt that their trustees were

supportive of campaigning and actively encouraged it. In a reflection of wider trends, the attitudes of trustees in one charity were changing:

Up to now the mood of our Council has generally been to behave quite well and not to do things that are controversial and would embarrass people, so away from direct action and even kind of quite an aggressive stance on campaigning. I think they would have been a bit unhappy about that. But I would say the tide's turning a bit, because they're more interested now ... it wasn't because they felt that we shouldn't do it but it was more that we're the sort of organization that can reach a negotiated agreement about things, and I suppose they've seen that that's actually not worked over the years, so they're getting more angry about it (Charity H).

Nevertheless, even where trustees had concluded that involvement in political campaigning would be the best way of fulfilling their charity's objects, a variety of practical and strategic issues were identified as hindering it. Some charities found it expedient to monitor the activities of other charities working within their field and to co-ordinate their own activities accordingly:

... what we do often is try to find out, and we're doing this exercise now, we're trying to look at what other people are campaigning on, and what is [other charity's] agenda for the next four or five years, what is [second charity's] agenda, any synergies in terms of issues or in terms of capacity or in terms of policy, we can't all do the policy work ... (Charity G).

The size of a charity relative to its competitors/potential partners can have an impact on its choices over whether to withdraw, compete or collaborate in the campaigning arena. One small charity in the empirical study, in recognition of the monopoly position of a large charity in its field, was moving away from campaigning entirely because of the larger charity's decision to focus its resources on sole campaigning:

I'd rather leave it to the big boys, so to speak. I mean in the sector we're in, [large charity] are very much going down the road of campaigning and lobbying, that's where they want to be seen, so really I think we'd rather let them, they've got the name, they've got the sort of power behind them so to speak (Charity L).

When queried over a statement in their last annual report which detailed an intention to increase the charity's focus on campaigning, Charity L's representative stated:

That was before [larger charity] stood up and said they were going to move away from [beneficiary] services and concentrate more on lobbying, but you have made a very valid point there because we're just in the process of doing our annual report for this year and I think that's certainly something we'll have to explain ... Again purely they've got the resources and they've

got the name, and in my opinion when you speak to Joe Public and say out of three or four charities in the [specific issue] sector, who would you know, chances are they'd come up with [Large Charity 1] and [Large Charity 2] (Charity L).

A further issue which may hinder even trustees who are keen to engage in political campaigning and which is again linked to the predominance of service delivery within the sector is a lack of campaigning capacity. The existing expertise of either staff or trustees within a charity is an important consideration in decisions over whether to undertake campaigning on an issue in furtherance of a charity's objects. The importance to successful campaigning work of well-structured, skilled and professional boards was reinforced by a number of charities in the study:

... we have in our governance that the trustees have to move on every three years - I mean now we've got a fantastic group of trustees, I really have got superb trustees, and everyone's pushing in the same direction, they're professional people from a professional environment, we've got someone who's [a service user] himself with a good job so he comes from both angles, I've got a PR and marketing person, and those are the people who are really starting to push the charity forward (Charity L).

Even where the existing activities of the charity have resulted in trustees or employees gaining highly specialist and detailed knowledge of an issue, the skills to conduct or oversee a campaign based on that knowledge may not be present:

... we shouldn't campaign on something we don't have the expertise or experience ... there are practical choices we make rather than policy choices (Charity G).

Where the necessary expertise to conduct campaigns is not present within a charity but the trustees feel that initiating a campaign on an issue is essential and have not been deterred from it by this, they may wish to employ additional staff with the necessary skills, or re-train existing staff. The issue then becomes one of resources:

... the biggest constraint by far is funding, then the skills in staff to do it ... (though that could also be seen as a consequence of inadequate funding) (Charity P).

The fact that resource issues underpinned most campaigning problems was illustrated by one charity:

I think a lot of it is to do really with capacity and resources. I think we're fairly clear on what we can and can't do, and we're pretty clear about what we should and should not be doing, but I would say this, wouldn't I, you know, if we had more resources and we had greater capacity there'd be

more issues that we could take on in greater depth, and you know, be even more determined in our advocacy (Charity B).

Decisions over the allocation of a charity's existing resources to campaigning activities will in part depend upon pragmatic considerations, and will relate to the specific issues faced at any given time in the pursuit of the charity's objects. An example of this is the emergence of proposed legislation detrimental to the charity's beneficiaries, which results in the trustees deciding that a campaign against the proposed legislation should become a priority for the charity in furtherance of its objects. Nevertheless, even where trustees view a campaign as important for the achievement of their charity's objects, decisions over the allocation of limited resources will often have a significant negative effect on campaigning activity:

Too many ambitions and not enough money really, that's what it comes down to because I mean there's lots and lots that we can do, I mean there are various target audiences and various issues, and not enough money to pay for people's time and the direct costs that are involved with campaigning, and I suppose there's the issue about even if you did have all that money you couldn't do everything at once, so working out the strategies and the plans to do it, and being patient to wait for it to happen, because it's not a quick thing (Charity H).

Apart from affecting decisions over *whether* to campaign, concerns over limited resources also influence charities' decisions regarding the *types* of campaign that they are prepared to conduct:

... in order to raise public awareness and influence or change public attitudes, you need a lot of money, and therefore we have lost money ... we have run a major multi-million pound campaign, we ran a very big one which was very successful, but again you need a couple of million quid to do it, and we spent a lot of money on advertising, and really unless you're going to commit that sort of resource or can access that sort of resource, it's actually jolly difficult to do that sort of hearts and minds, reaching out to the public ... (Charity F).

Whilst the above issue of activity duplication between charities can be identified as a legitimate strategic question in a game of multiple players, other issues faced are more worrying. One such issue (which is also a repercussion of the sector trend towards service delivery under contract) is the perception of pressure against dissent from government funding bodies. Whether such pressure is actual or perceived is a matter of some debate. Former Charity Commissioner Julia Unwin noted in a 2000 report⁴¹ that there is widespread concern amongst third sector organizations, who

⁴¹ *Speaking Truth to Power. A discussion paper on the voluntary sector's relationship with Government*, The Baring Foundation (2000).

“frequently perceive a pressure to be silent”. This finding has been reinforced in 2007 by a survey⁴² commissioned by Compact Voice,⁴³ which found that sixty-nine per cent of Compact Voice members in receipt of local authority funding feared that campaigning would affect their future funding.

However, Unwin’s report also claimed that this concern is a matter of the sector’s perception, rather than the reality of government partnerships:⁴⁴

“... in fact, the evidence suggests otherwise. Organisations that censor themselves, for whatever reason, are failing to articulate the experience of their members, service users or beneficiaries. While there may be sound pragmatic reasons for doing so from time to time, and there will always be choices for organisations to make, the costs of self censorship in the long term are significant. They may weaken the capacity of that part of the sector to hold government and other providers to account. In the long run, the self-censorship that fears reprisals and seeks to pre-empt them is as dangerous for the freedom of the sector as the abuse of position by the powerful seeking to silence dissent”.

This danger of self-censorship was acknowledged by one charity in the study:

... and I mean sure Big Lottery Fund or DfID might give you money to campaign but then you might impose a kind of censorship upon yourself even if the money was given freely, and that’s a big argument (Charity K).

However, Charity K’s representative also stressed that much of the perceived pressure was real, a view supported by other study participants. A number of participants recognized pressure (either implied or explicit) from government departments which funded other areas of a charity’s activity as a very real influence on campaigning activities. It should be noted that all the study participants who identified this pressure also emphasized their strategies for avoiding losing their independence:

It’s real [pressure] in my experience. It’s also not just pressure, they can coat it with all kinds of other things, but it’s human nature, it’s to do with people, what you say, and how you relate and what you are ... I think I

42 *Stronger Independence, Stronger Relationships, Better Outcomes* (4 July 2007), reported in *Third Sector* magazine, 4 July 2007, p.4.

43 Compact Voice “offers practical help and guidance on how to get the Compact working for organisations, and “gives voice to views on the Compact to both local and national government”: see www.compactvoice.org.uk.

44 *Op. cit.*, p.14.

would be naïve to imagine that there is no implied pressure. As long as we can handle it and keep our independence (Charity G).

... we have a new Chief Executive in Charity F who is quite interested in ... one of the things she wants to be is independent, and I think what she's now confronting are the issues about, not so much about the nature of our campaigning and our lobbying, it's more about what you do and what don't you do when you are such a big organisation which has so much money coming in from local government and to some extent central government and want to get more of it, how do you balance those things off, you want to be independent and to be vocal and to speak out clearly and deliver your services on one hand, but not to bite the hand that feeds you on the other, so there are some issues on that that have to be worked through, but she's smart, I'm sure it will all work out fine, but it's definitely something to be dealt with there's no doubt about that (Charity F).

The fact that many charities are so close to being dependent on government funding for their major activities⁴⁵ raises concerns about sector independence. One charity representative, whilst acknowledging the experience of pressure from government, stated that it was possible to achieve a balance:

... it's a real issue and 'people in the know' know that, I know organisations that have been hauled in by government departments, and told to shut up ... It's a very real issue, absolutely, it's not just a myth. I know another organisation not a million miles away from here that was perceived to be [too critical] ... the central government funding for [area of work] just went like that. So it is real. But to be honest I should perhaps have said that I just stopped in April being a part-time advisor to the [government body], so what I was doing on the cases was writing government papers and then being rung up by journalists in my Charity F role and criticising them, which is quite good fun really because I know all sides of the argument, so you know, some of these boundaries are much more fluid than they may appear. And the trick is how you manage them and you do it in a way that retains your own integrity and doesn't at all compromise the interests of the charity (Charity F).

... the risk, the danger for us is that we're co-opted around the Government's agenda ... there's an issue about how do we retain our professional integrity about the services we run, how do we achieve more coverage for those services because we think they're a good thing, but at the same time how do we not be so overtly critical of government that actually we annoy them. And so getting that balance right and doing it in a way that

⁴⁵ See findings of Charity Commission, *Stand and Deliver. The Future for charities providing public services* TSO (February 2007).

meets our service needs and our charitable needs, that's taken quite a lot of thought about how we position ourselves (Charity F).

The non-legal issues considered above include legitimate strategic constraints; more worrying constraints (such as pressure by government funders and the practical impacts on campaigning capacity of the service delivery focus); and more difficult to measure and pervasive issues of trustees' fundamental attitudes towards campaigning. Despite the variation in nature of these issues, they are related by the fact that they all have an impact on the availability of funding for campaigning work. This makes the issue of raising campaigning finance from external sources of great strategic importance.

Unfortunately for charities wishing to utilize external funding sources, obtaining external funding for campaigning work also carries unique problems. Study participants tended to hold the opinion that campaigning work is viewed unfavourably by potential charity funders, in particular grant making trusts. Participants in the study expressed very definite opinions regarding the lack of availability of this source of finance for campaigning work:

... the constraints will be the same for every charity you speak to, you can raise funds for projects which are restricted funds, and you can only deliver what that funding allows you to do. Mostly what we try to do is to develop projects that are around types of campaigning and collaboration, but you have to do what they fund you to do, that's the problem, we can't as a charity just say we really need to do a UK wide big campaign on [issue], but nobody would fund it and we don't have those sorts of unrestricted funds that we could put towards it ... (Charity E).

It is arguable that the perceived reluctance of grant-making charities to fund campaigning work may (if accurate) be explicable partly through grant makers' concerns over grant receiving charities' adherence to political activities law.⁴⁶ The accuracy of this perception of grant makers' attitudes and the link between these attitudes and the law will be considered in the next section.

Aside from the legal issues relating to political activity, funders may also have a preference for funding projects with immediately tangible outcomes, which can be problematic for campaigning work:

Lots of trusts are very conservative in who they will fund and who they won't fund, a lot of them want to do something very tangible, they like to see a playgroup, a community hall, twenty five children going on holiday, they

⁴⁶ For a detailed analysis of the implications for grant making trusts of funding charities engaged in political campaigning, see Warburton J, 'Charities, Grants and Campaigning' (2009) 11(2) CL&PR 1-17.

find it harder to understand a piece of law being changed, a regulation being amended, they don't understand the outputs really (Charity E).

This aspect of funders' attitudes may in part be due to funders themselves needing to comply with reporting requirements,⁴⁷ and thus to ensure that their grant recipients also comply. The specific requirements will not be rehearsed in further detail here, having been comprehensively addressed elsewhere.⁴⁸ For the present purposes of considering the results of an empirical study, the pertinent point is that a smaller, non-auditable charity is only required to provide in its annual report a brief summary of the main activities undertaken by the charity to further its charitable purposes for the public benefit, and the main achievements of the charity during the year.⁴⁹ Nevertheless, funders may cause difficulties by "filtering down" more onerous reporting requirements to funded charities:

The 2008 accounting regulations require an auditable charity to include a review of the significant activities undertaken by the charity during the relevant financial year to further its charitable purposes for the public benefit or to generate resources to be used to further its purposes.⁵⁰

... for example the [specific grant making trust] have been ensuring that everything is in place and ... what will happen is that you have to show impact They've always been for impact ... so it's not new, really ... but I think [SORP 2005] ... it's made them think more; in a more focused way about that now ... they are forced now, when they give a grant ... to look at what the expected impact should be, so that's included in the contractual arrangements with whoever is the grantee. That's what's happening. And it isn't just happening to us, it's happening to others as well. I'm even hearing that the bigger charities are saying that it's causing delays ... it's like a cascade, because our income's less than £100k a year, we're not actually required to comply with SORP, but our funders are ... the evidence from

47 SI 2008/629: Charities (Accounts and Reports) Regulations 2008. The requirements are substantively similar to those contained in the regulations in force at the time of the empirical study (SI 2005/572: Charities (Accounts and Reports) Regulations 2005), except for the additional requirement of public benefit reporting. The 2005 version of the *Statement of Recommended Practice for Accounting and Reporting by Charities* (SORP) referred to in the empirical study is still current at the time of writing.

48 The reporting requirements for grant making charities and the implications of funding political campaigning are considered in detail by Warburton J, 'Charities, Grants and Campaigning' (2009) 11(2) CL&PR 1-17 at p.13.

49 Reg. 40(2)(b)(i)(aa) and (bb).

50 Reg. 40(2)(b)(ii). The review must include a number of matters specified in paras. (aa) to (ee).

around us is that it is causing delays as people try to comply with SORP, funders try to comply with SORP. I know there are delays even within the Big Lottery (Charity C).

The empirical study revealed that some charities found it difficult to demonstrate the “performance achieved against objectives set” of campaigning activity, as compared to some other activities:

I have been told that [the SORP requirements] are getting a bit harder, a bit longer ... well that's good then because we're having to account for everything, but that's always been a problem with the whole concept of impact analysis that when it's intangible social impact, how do you analyse it, but I think because they're having to account for more of their activities, as it were, the more nebulous ones, like a change in the law, fundamental ones, are, they're finding it harder to justify it (Charity K).

It is thus possible that the increased need to show impacts discourages some charities from initiating activities for which outcomes (and concrete timescales for achieving them) are difficult to demonstrate:

... campaigning is something which some people might not be happy about a charity putting money into, they like to see money going to direct services, don't they, and they might not realise that actually campaigning is good in the long term, they might want to see short term effects ... (Charity H).

It should be noted, however, that general impact reporting can also be used by charities to enhance their campaigning (and other) activities. A number of charities have recently used impact reports to generate positive publicity.⁵¹

An additional issue, identified by Charity H, was that some funders will not fund service provision in areas which they think should be government-funded. At the same time, they apparently refuse to fund campaigning work which, for example, highlights areas of need, and, through pressure, may result in increased government funding of service delivery.

To summarize the problems with obtaining external funding for campaigning, it is clear that some charities seeking such funding perceive campaigning as being unpopular with funders. This perceived unpopularity is attributed either to funders' concerns over adherence to the law relating to political activities, or to their preference for funding projects with more immediately measurable outcomes. This latter point can also create problems where funders “filter down” reporting requirements to smaller funded charities, as charities must then deal with both

onerous reporting burdens and outcomes which are difficult to measure, particularly in the short term.

E. The relationship between the law and non-legal influences

This article has identified that the charity CEOs and campaigns officers who participated in the empirical study generally viewed non-legal issues as having the most significant impact on their campaigning activities. All of the issues identified as important were fundamentally linked to resources; either to decisions over internal resource allocation or to difficulties in obtaining external funding for campaigning work.

By contrast, the majority of the study participants displayed a disregard for the law affecting campaigning, which thus did not affect their campaigning decisions. Whilst this is cause for concern in its own right, given the potential legal consequences of “unacceptable” political activity, it has additional relevance in terms of the part played by the law on charities and politics in creating the environment in which the more obvious problems perceived by charities have developed.

The law arguably has indirect (and difficult to quantify) effects on campaigning decisions and resources through its role in the creation and exacerbation of negative attitudes towards campaigning activity – a theme that has recurred throughout this article. An example of such an effect is on trustee conservatism. One study participant identified that the rules on politics, rather than being substantively adhered to, can be used as an excuse not to engage in useful campaigning within charities which are quite conservative by nature:

I think [the law] does sometimes get mobilised internally in organisations as a way of saying you can't do certain things, but that's not to do with reality, it's more to do with organisational conservatism (Charity A).

Another effect of the law relating to charities and politics may be its influence on the attitudes and decisions of potential funders. As noted earlier, it is arguable that the perceived reluctance of grant-making charities to fund campaigning work may be explicable partly through their direct concerns over grant-receiving charities' adherence to political activities law. Such a direct relationship between the law and funders' attitudes has the potential to manifest itself in actual legal action for breach of trust against charities which campaign if funders are of the view that trustees are using charitable funds for non-charitable political purposes. Charity proceedings in the High Court can, under Section 33(1) Charities Act 1993, be taken with reference to a charity either by the charity itself, by any of the charity trustees, or by any person interested in the charity. “Person[s] interested” can include a charity's

funders.⁵² Charities that engage in campaigning of a type or to an extent which does not fit with any conservative attitudes held by their funders may thus face more severe consequences than withdrawal of funding, even if the funding they receive is directed to other areas of work than their campaigning activity.

Nevertheless, it is difficult to determine whether the law's influence on funders is the direct relationship outlined above (i.e. they are genuinely attempting to comply with the substance of a complex area of law), or whether instead it is instrumental in affecting their fundamental attitudes towards campaigning as an undesirable activity for charities. Some charities in the empirical study viewed grant-making foundations as party to the pervasive "bias" against the campaigning function of charities identified earlier:

... many trusts or foundations will not fund campaigning or advocacy work ... once again reflecting the history of the sector as providing care and service but not seeing its role as addressing the root causes of the problem to which they are responding ... I know from experience that all the major campaigning organisations are fishing in the same small funding pond ... when what we need to do is enlarge the pond by changing attitudes towards campaigning and its legitimacy (Charity P).

... it is not only the operational charities (the service providers if you like) you should be looking at; it's also the charitable foundations. If they were to embrace campaigning not only as a legitimate activity but also as a cost-effective way of achieving impact and delivering public benefit it would do much to stimulate change in the sector (Charity P).

However, it is also arguable that this perceived 'reluctance' by grant makers is more complex than it appears. Recent research⁵³ has found that many foundations are prepared to fund campaigning in theory but do not openly state the availability of campaigning funding in their application criteria. The research does not consider why grant makers choose to take this approach, and, in the context of this article, the question remains of what influence the law relating to charities and politics has on grant makers' confusing approach. It is also worth noting that this finding does not alter the difficulties faced by charities in practice; whether individual foundations refuse to fund campaigning or whether they bury details of the availability of campaigning funding, the effect on charities seeking such funding is largely identical.

⁵² *In Re Hampton Fuel Allotment Charity* [1989] Ch 484 at 493, the Court of Appeal held that 'a person generally needs to have an interest materially greater than or different from that possessed by ordinary members of the public'.

⁵³ A. Rosser and S. Shimmin, *Funding for Sustainable Change. Exploring the extent to which grant-making trusts fund campaigning, advocacy and influence*. DSC/NCVO (2008).

There is, however, evidence that attitudes among grant-making trusts are changing. In November 2004, the Carnegie United Kingdom Trust announced a shift of focus from “reactive, short-term grant giving to supporting programmes that will make a real and sustained difference in people’s lives”. This entailed the Trust replacing its grant programme after March 2005 in order to “step up its investment in independent national inquiries, complemented by supporting larger scale action-research designed to influence public policy and deliver longer-term change ...”⁵⁴ In addition, research for the DSC’s next editions of the Directory of Grant Making Trusts and other resources will include specific questions to determine the extent to which trusts may support campaigning, advocacy and influence.⁵⁵ These developments will hopefully make a significant contribution may be made to alleviating the range of resource-based issues faced by charities engaged in campaigning.

F. Law Reform

There are several possible avenues for reform of the law in this area. These are considered below, followed by discussion of the likelihood of such reform taking place in current circumstances.

The “party political” aspect of the current definition of “political” is a legitimate protector of charitable independence, and it is arguable that the definition of “political” for these purposes should be limited to this narrow aspect. Nevertheless, there is a reason unrelated to politics why it would be unwise for charities to have primary objects of securing changes in the law. Charities with such limited objects would face a real danger of built-in obsolescence. Whilst this is not problematic in a legal sense, it cannot be healthy in a time in which charities employ large numbers of staff, as it effectively encourages poor performance as a means to long term survival of an organisation. Enforcing broadly defined objects could be achieved at the point of registration. Even with the enforcement of broad objects, narrowing the definition of “political” to “party political” would enable charities to direct resources towards campaigning activity in furtherance of their charitable objects without being hindered by an artificially broad definition of politics.

An alternative to narrowing the judicial definition of “politics” would be reform of several aspects of the present “ancillary” rule. As considered earlier, this is a major source of confusion.⁵⁶ A possible reform to the current approach to interpreting

⁵⁴ www.carnegieuktrust.org.uk/news_and_events/all_change [26/07/2005]. See also J.S. Davies, *The Foundation as a Political Actor: The Case of the Joseph Rowntree Charitable Trust* (2004) 75 (3) 275 for an earlier example of the emergence of this trend.

⁵⁵ A. Rosser and S. Shimmin, *Op. Cit.*

⁵⁶ See text at fn. 19 et. seq.

stated objects (rather than attempting to classify objects as primary ends or ancillary means) would be to consider whether a charity's stated objects would still be coherent and legally charitable if a specific stated object (e.g. of changing a particular law) was not included (or was fulfilled). Only if the coherence of the objects was dependent on, for example, a change in a particular law would the objects be considered to be political and non-charitable.

With regard to the application of the ancillary rule to activities,⁵⁷ it submitted that the practice of referring to activities in all circumstances has practical implications for the predictability and clarity of this area of the law. The Strategy Unit Report stated⁵⁸ that the circumstances in which activities can be referred to should be clarified in statute. However, this was not a strict "recommendation" and was therefore not taken up by the Government in the Charities Act 2006. Nevertheless, clarification of the courts' approach to considering a charity's activities is vital if charities are to be enabled to engage in campaigning activity without fear of inadvertently falling foul of the political/charitable divide.

In light of the recent enactment of major charity legislation, the likelihood of Parliamentary time being devoted to reform of charity law in the near future is low. The final report of the Government's third sector review⁵⁹ indicates that the Government has no intentions to review the current law on political objects, stating that: "The Government continues to believe that the law should not allow an organisation with a political purpose to be a charity".⁶⁰ It does not comment on the breadth of the current definition of political, which it is argued here is more problematic than the existence of the rule against political objects itself.

Judicial reform of the law relating to charities and politics is also unlikely, given the prohibitive cost of pursuing actions in the High Court. However, the fact that a campaigning organisation has recently been prepared to pursue a human rights challenge to the broadcasting ban⁶¹ is evidence that the confidence of the sector in pursuing such actions is increasing. This confidence should be further boosted by the recent willingness of the courts to grant full protective costs orders to

⁵⁷ See text at fn. 23 et seq.

⁵⁸ Cabinet Office (Strategy Unit), *Private Action, Public Benefit*, TSO (September 2002), p.79. Only recommendations in bold type were adopted by the government in their proposals for legislation.

⁵⁹ HM Treasury / Cabinet Office, *The future role of the third sector in economic and social regeneration: final report*, (Cm 7189) TSO (2007).

⁶⁰ *Op. cit.*, Chapter Two, para. 2.3.1.

⁶¹ *R (on the application of Animal Defenders International) v Secretary of State for Culture, Media and Sport* [2006] EWHC 3069 (Admin).

campaigning organisations.⁶² An alternative potential route of improvement of the rules in this area is the newly created Charity Tribunal, which can hear appeals from decisions of the Charity Commission and reviews and referrals from the Charity Commission or the Attorney General.⁶³

G. Conclusion

Whilst complying with the legal restrictions on political campaigning activity should be trustees' paramount concern, the law relating to political objects and activities is often ignored. Focus is instead placed on the more pressing problems of practice and perception considered throughout this article. Nevertheless, the non-legal problems faced are underpinned by the law through its role in the development of current structures and attitudes.

Views of political campaigning as unacceptable for charities have obviously developed alongside the dominance of service provision.⁶⁴ The development of the 'rule against politics,' in particular the 'ancillary' aspect of the rule was a key factor in facilitating this shift, as it explicitly marginalised political activity within any individual charity. This was arguably a key factor in allowing for the subsequent normalisation of service provision as the dominant mode of charitable activity and the inevitable effect of this normalisation on attitudes towards campaigning:

... the dominant model ... is that charities exist to provide services and care, but they should not be political ... and campaigning is widely seen to be a political activity. Personally I think that is where confusion comes in because I see campaigning as an expression of ... our rights in a democracy. [We must] begin to see campaigning as a right, rooted in our value base as a democratic society, and not as 'dodgy activity' carried out by those whose primary duty is to care for others. (Charity P).

Thus, the development of the law relating to charities and politics has been an important factor both in the creation of negative attitudes and in perpetuating them. The implications of the above in the present context are that whilst many study participants disregarded the law and viewed their problems as primarily non-legal, the law's role in the creation of the negative attitudes which underpin many of their problems cannot be ignored. Arguably the law indirectly hinders and alters

⁶² See *R (on the application of Corner House Research) v Secretary of State for Trade and Industry* [2005] EWCA Civ 192.

⁶³ S.2A, Schs. 1C and 1D Charities Act 1993, inserted by s.8 Charities Act 2006.

⁶⁴ See A. Dunn, *Demanding Service or Servicing Demand? Charities, Regulation and the Policy Process* MLR 2008 71(2), 247-270 and text following fn 39 above.

legitimate charitable activity, adding a further reason for reform to the existing arguments of irrationality and complexity of operation.⁶⁵

Whilst reform is arguably somewhat unlikely in the present climate, it is clearly a vital place to begin with the complex process of challenging and rationalising the currently confused spectrum of views and prejudices surrounding campaigning. A decisive statement of the law is needed to provide the bedrock upon which clear boundaries for charities' role in campaigning can be built. Only then can the present misconceptions start to be removed.

Addendum

Charity A

Charity A was a charitable company, with a gross annual income in the year ending March 2006 of approximately £155,980,000. It had been registered with the Charity Commission since 1963, and operated primarily throughout England and Wales, with limited activities in Europe. The interview participant had been with the charity for two and a half years and had held the post of Principal Policy Officer for the charity during this period.

Charity B

Charity B was an unincorporated association, with a gross annual income in the year ending March 2006 of approximately £170,000. It had been registered with the Charity Commission since 1994, and operated on a local basis in Staffordshire. The interview participant had been with the charity in various roles for eight years, and was the charity's Director at the time of the interview.

Charity C

Charity C was a charitable company, with a gross annual income in the financial year ending March 2006 of approximately £60,000. It had been registered with the Charity Commission since 1991, and operated on a local basis in Birmingham and the West Midlands. The interview participant had been with the charity in various roles for eighteen years, and was the charity's Director at the time of the interview.

Charity D

Charity D was a charitable trust, with a gross annual income in the financial year ending March 2006 of approximately £60,000. It had been registered with the Charity Commission since 1992, and operated throughout England and Wales. The interview participant had been with the charity in various roles for approximately fifteen years, and was the charity's Director at the time of the interview.

Charity E

Charity E was a charitable company, with a gross annual income in the financial year ending March 2006 of approximately £3,840,000. It had been registered with the Charity Commission since 1966, and operated throughout England and Wales. The interview participant had been with the charity in various roles for approximately five years, and was the charity's Chief Executive at the time of the interview.

Charity F

Charity F was a charitable company (previously a charitable trust), with a gross annual income in the financial year ending March 2006 of approximately £219,460,000. It had been registered with the Charity Commission since 1965, and operated throughout England and Wales. The interview participant had been with the charity in various roles for approximately eighteen years, and was the charity's Director of Public Policy at the time of the interview.

Charity G

Charity G was a charitable company (previously an unincorporated association), with a gross annual income in the financial year ending March 2006 of approximately £92,260,000. It had been registered with the Charity Commission since 1969, and operated internationally. The interview participant had been with the charity for seven and a half years, and was the charity's Director at the time of the interview.

Charity H

Charity H was a charitable company, with a gross annual income in the financial year ending March 2006 of approximately £1,720,000. It had been registered with the Charity Commission since 1963, and operated throughout England and Wales. The interview participant had been with the charity in various roles for approximately eight years, and was the charity's Chief Executive at the time of the interview.

Organisation I

This organisation was not a registered charity, but was an independent coalition body set up by several charities in the form of a non-charitable company. This organisation was selected in order to provide a perspective on campaigning coalitions which contrasted with the general study participants.

Charity J

Charity J was a charitable company, with a gross annual income in the financial year ending December 2005 of approximately £2,020,000. It had been operating since 1995, and was a charitable company. It operated throughout England and Wales, in particular Merseyside. The interview participant had been with the charity for approximately ten years and was the charity's Campaigns Manager at the time of the interview.

Charity K

Charity K was a charitable company, with a gross annual income in the financial year ending March 2005 of approximately £830,000. It had been registered with the Charity Commission since 1998, and operated throughout the world. The interview participant had been with the charity for four years, and was the charity's Campaigns and Media Officer at the time of the interview. The charity was selected for the study because it co-ordinated a large and unique national campaigning coalition.

Charity L

Charity L was a charitable company, with a gross annual income in the financial year ending Dec 2005 of approximately £1,460,000. It had been registered with the Charity Commission since 1996, and operated throughout England and Wales. The interview participant had been with the charity for three years, and was the charity's Chief Executive at the time of the interview.

Charity M

Charity M was a charitable company, with a gross annual income in the financial year ending December 2005 of approximately £300,000. It had been registered with the Charity Commission since 1996, and operated throughout England and Wales and Europe. The interview participant had been with the charity for approximately one year, and was the charity's Director at the time of the interview. The charity was selected for the study on the same basis as Charity K above.

Charity N

Charity N was a charity incorporated by Royal Charter, with a gross annual income in the financial year ending March 2006 of approximately £92,690,000. It had been registered with the Charity Commission since 1963, and operated throughout England and Wales. The interview participant had been with the charity for eight years, and was the charity's Campaigns Officer at the time of the interview.

Charity O

Charity O was a charitable company, with a gross annual income in the financial year ending April 2006 of approximately £293,100,000. It had been registered with the Charity Commission since 1965, and operated outside England and Wales. The interview participant had been with the charity for nineteen years and was the charity's Policy Officer. The charity was selected for the study because it was active in campaigning work and because its representatives had publicly expressed specific views on the role of charities in campaigning.

Charity P

Charity P was a charitable trust, with a gross annual income in the financial year ending March 2006 of approximately £60,300. It had been registered with the Charity Commission since 1982, and operated throughout England and Wales. The interview participant had been with the charity for five years at the time of the interview and was the charity's Director at the time of the interview. The charity was selected for the study because, like Charity O, it was active in campaigning work and because its representatives had publicly expressed specific views on the role of charities in campaigning.

Charity Q

Charity Q was a charitable company, with a gross annual income in the financial year ending March 2006 of approximately £220,000. It had been registered with the Charity Commission since 2003, and operated throughout England and Wales. The charity had been set up as a separate coalition body by a number of charities wishing to campaign collaboratively. The interview participant was employed by one of the charities which had set up the coalition charity, and had been a trustee of Charity Q since its creation.