

FAQs: What can my charity do ahead of an election?

Below we have set out a list of campaigning tactics or activities that your charity might wish to undertake and offer some practical tips for how to comply with the law when pursuing them. All of the tips below assume your charity has already followed the ‘planning your campaign’ steps in section 2 of this guide.

Can my charity continue to campaign on a policy position that has been adopted by or is similar to that of a political party or candidate?

Your charity can do this – it might have a range of long-standing policy positions or issues it campaigns upon which a political party decides to support or take on as a manifesto commitment. This should not prevent the charity continuing to campaign, as long as the charity continues to campaign as previously planned, and emphasises its independence from the political party that supports or criticises its campaign position. If it decides to react to the issue becoming politicised and change its campaign strategy, then it may need to count the expense of the campaign as regulated activity under election law. However, it is unlikely that reacting in a minor way to a political party or candidate adopting or supporting your campaign would be regulated under election law or prohibited by charity law, provided it’s clear you would welcome the same from any party or candidate – e.g. simply welcoming the party’s decision to adopt the policy and calling on others to do the same.

Can my charity encourage politicians or parties to adopt the charity’s policy ideas and aims?

Your charity can do this and it is a common and effective campaigning tactic. You might try to influence politicians to vote for or against legislation or policy decisions that affect the charity’s purposes (though note that there are separate rules around paid-for, ‘consultant’ lobbying of senior civil servants and ministers⁵). Ahead of the general election you might seek to get the charity’s policy asks on each party’s manifesto or a candidate’s agenda. Bear in mind that the Charity Commission warns that persistent interaction with only one political party might lead to questions over the charity’s independence. So you should ensure that you interact with parties across the political spectrum, or be able to show willingness to do so, even if you might engage more with one party at times (and only then with clear objective reasoning). For example, an objective reason to interact more with politicians from one party might be that they are the party in government, and so doing so is the most effective way to influence policy of the day. This type of activity shouldn’t be caught by election law, particularly if your influencing work is ‘insider influencing’ privately with politicians – but you may need to consider lobbying law if your charity has direct communication with government ministers or senior civil servants (you should seek further advice if this is the case).

Can my charity set out political parties or candidates’ positions on issues that are important to us?

You can do this, as long as you don’t frame the material in a way that suggests the charity disapproves of one particular party or approves of another, and do not explicitly compare how much the party’s views align with the charity’s views, and provided doing so furthers your charitable purposes.

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⁵ There are also separate rules in Scotland and for some governmental and public bodies that set their own lobbying rules

For example, you should not create a score card of how well a political party's or local candidate's election promises align with your charity's campaign as this may be indirectly telling your supporters who to vote for – this would not be possible under charity law (it would also likely be regulated by election law). It will be possible to undertake this type of activity without it being regulated by election law if the intention of the activity can be clearly seen to be to provide information to the public rather than to influence them to vote for certain parties whose positions you set out in the material and there is no call to action or other negative/positive framing of certain parties over others.

Can my charity talk to the press about the charity's views on a policy or decision by the Government or a political party?

Your charity can do this. A charity can welcome or criticise a government policy in the press or respond to requests for comment from the media on a political issue, if doing so supports its purposes. During the regulated period before the election, press releases to the media will not be regulated, unless the charity publicises them in some other way (i.e. posting them on their website), even if the content of the briefing meets the purpose test.

Can my charity campaign for or encourage a company to change its practices?

Your charity can do this, and it will not be political activity, meaning that it could be a core ongoing element of your charity's work if it supports your purposes. An environmental charity might lobby or petition a multinational company to reduce its use of plastic, for example, or you might participate in shareholder activism to change company practises from the inside. This type of activity is unlikely to be regulated by election law provided that it clearly targets non-political actors or consumer behaviour, etc.

Can my charity invite a politician or candidate to speak at a charity event or visit our charity's work?

Your charity can do this, provided it either invites a spectrum of politicians to the event (or to a series of events) to show that the charity isn't supporting any particular party or be able to show an objective reason why this is impractical. For example, a charity working in a specific local area might choose to invite its local MP to an event, because they are the local office holder and not because of their party affiliation. Or it may decide that ahead of an election, due to resourcing constraints, it will only invite the three main candidates (on an objective evidence base like polling data or the results of the last election). The charity should be aware of the risk of a politician or candidate using the event for their personal gain and take steps to ensure the politician or candidate does not use the invitation to promote their own party-political purposes – and should be ready to react appropriately if they do so. This activity should not be regulated by election law by virtue of a politician or candidate attending (if the charity is following these guidelines), but the content of the actual event itself could be depending on the nature of the campaign.

Can my charity attend an event organised by a political party or candidate?

Your charity can do this, if the purpose is to highlight the charity's issues or policy positions. The charity should be willing to participate in a range of political parties' events and it may be problematic if the charity were to only engage with one party over time. Particularly as an election grows nearer, the charity should take active steps to engage with a range of parties, and take care not to allow the charity's brand to be used by parties or candidates for their own purposes.

Can my charity hire out its premises to a MP, candidate or political party?

Your charity can do this. If your charitable purposes include provision of premises to the community, then this may include local political groups (though you should ensure that they can use the premises on the same terms as any other organisation or other political group). If your purposes do not include provision of premises then you can hire out space to a political group or candidate to raise funds to be spent on the charity's purposes. Unless required by election law (this applies to some schools, for example), then you should not allow political groups to use your premises for free because this could be seen as a donation. You should ensure you apply the same hire terms to a political party as to any other non-commercial organisation you would hire out space to.

Whilst you should be able to demonstrate that you would allow any political party/politician to hire out the premises on the same terms to avoid accusations of bias, this does not extend to organisations if you have a reasonable evidence base to suggest it would cause a security risk or if its aims directly conflict with the charity's purposes or would alienate the charity's supporters (though you should seek advice if you want to exclude a party/candidate on this basis prior to the election, as it can have some implications under election law).

Can my charity establish or take part in a coalition?

As explained above, your charity can do this but should undertake some due diligence on the organisations it will be working with to ensure that the benefits of the coalition outweigh any reputational risks. You will also need to ensure that none of the charity's resources are used for activities that do not support its purposes. Some partners in a coalition might not be charities and will not be subject to the same restrictions as your charity.

Working with other organisations ahead of an election can give rise to joint working rules under election law, if any of the coalition's activity is regulated, as explained above.

Can my charity run a debate or hustings with political candidates ahead of an election?

You can do this if it would support your charity's purposes, for example if a charity set up to relieve poverty organised a debate on how to address social inequality. To avoid the debate breaching charity law or being regulated activity under election law, the charity will need to ensure that it has objective reasons for its choice of invited (and excluded) party representatives, such as by inviting all of those who have seats in the current parliament, and be able to show that it has made equal efforts to secure representation of those parties at the event. The debate will need to be impartially chaired and questions put equally to all participants.

Can my charity produce a charity manifesto ahead of an election?

Your charity can do this – you can set out the charity's issues and key priorities for the next government, provided that it is expressed as aimed at influencing policy of whichever party comes into power, rather than supporting the prospects of any particular party. You should take care once all the party manifestos have been published if your charity's manifesto is closely aligned with one particular party, as this may be seen as indirect support and regulated activity under election law.