

Charity Commission publishes guidance for charities campaigning in the run up to the EU Referendum

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On 6 March 2016, the Charity Commission published regulatory guidance for charities considering public involvement in the debate leading up to the EU referendum on 23 June 2016. This guidance sits alongside the Charity Commission's general guidance on [campaigning and political activity by charities](#).

Political activity by charities can only be undertaken in support of a charity's purposes – it must only be a means to an end and not an end in itself. The guidance highlights that charities should not engage in political activity or campaigning relating to the EU referendum unless they can demonstrate compliance with the Charity Commission's guidance, are satisfied that the activity is a proper way to support the delivery of the charity's purposes and are satisfied that it is in the charity's best interests.

The guidance includes five key points for charities to consider:

1. *Does the political activity support, and is it incidental to, your charitable purposes?* The Charity Commission notes that in some circumstances, it may be appropriate for a charity to set out the pros and cons of a leave or remain vote for their members, supporters or beneficiaries. In exceptional cases, charities may consider that the outcome of the referendum is likely to affect directly the delivery of their charitable purposes.
2. *Managing conflicts of interest and other risks.* Trustees must act in the charity's best interests and ensure that they avoid any conflicts. The Charity Commission highlights three potential conflicts which may arise in relation to the EU referendum: risk of exploitation for personal or political purposes, risk of a possible loss of funding from the EU or its institutions and risks to reputation.
3. *Recording your decision.* The guidance notes the importance of recording decisions and what points should be covered in the minutes. The Charity Commission's guidance on decision making provides further assistance.
4. *Role of the Charity Commission if things go wrong.* The Charity Commission will consider complaints against trustees and has the power to take matters further if it considers that there is a regulatory issue. The Charity Commission's report following the 2015 General Election highlights some of the action it took then.
5. *Registering with the Electoral Commission.* If your charity will spend more than £10,000 on campaigning between 15 April and 23 June 2016, you must register with the Electoral Commission and be subject to certain rules on spending and donations.

Following some criticism within the sector relating to conflicts between the EU Referendum guidance and the Charity Commission's general guidance, the Charity Commission published a revised version of the EU Referendum guidance and provided some additional clarifications using its new blog.

The full guidance is available [here](#).

These blog post is available [here](#).

The Charity Commission's general guidance on campaigning and political activity is available [here](#).

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