

## 2019 General Election - Campaigning Rules

Macc is already experiencing some of the effects of the pre-election or 'Purdah' period, which has seen conferences cancelled, meetings being postponed and consultations deferred. It is important that voluntary, community and social enterprise sector organisations are able to campaign and argue for policy changes that could benefit the people and communities of Manchester. Please find below some guidance for what we can and can't say in the run up to 12 December.

### **The short version**

In general, you can continue to campaign for changes, including changes to laws and policies during a pre-election period.

If you are a charity or constituted group, make sure your governing document does not specifically prevent you from carrying out campaigning or political activity.

Any activity should be in line with your charitable objects and for public benefit. Political activity is not, in itself, a charitable object.

Your funders may ask you to meet extra conditions, especially if your funding comes from a public body such as a government department or the NHS.

Avoid party political activity, and make sure you can show you are acting fairly and independently.

If any of your staff, volunteers or trustees tell you they are carrying out any party political activity, you should decide whether there are any risks to your organisation, e.g. financial, reputational, and decide how you will deal with these.

If you are a company, you may need the permission of your members or shareholders to carry out any political or campaigning activity.

If you spend any money on political activity or make any political donations, additional rules may apply, and you may need to declare it in your annual report.

Other organisations you work with such as councils, schools and the NHS, may have additional rules or guidance they need to follow. Sometimes specific pieces of work change or stop because they are seen as 'politically sensitive.'

## The longer version

### Charities

Whether you're a registered or a non-registered charity, there are some restrictions on the political and campaigning activity you can do – but these apply at any time, not just in the run up to the election.

***It's a myth that charities can't campaign and can't get involved in political activity.***

In fact, it's one of the benefits of the sector that we can use our influence to speak up for and with the people we work with.

As long as your governing document doesn't specifically say you can't, then you can do any lawful activity that is related to your charitable objects (also known as charitable purposes) that is for public benefit.

This includes general promotion and information sharing on issues such as health, environmental campaigns and policy work, even if you are trying to influence people's behaviour, e.g. to stop smoking or to use their cars less. You can speak up on behalf of the people you work with, advocate for changes in laws that affect them and campaign to stop laws being changed or repealed. You can also carry out activity to make sure that existing laws are followed and enforced.

What you *can't* do is anything that explicitly supports a political party or candidate, or explicitly campaigns against them.

If you want to campaign or show support for things that may look like you or your organisation has the same views as a political party, then you need to stress your independence and show that you are not doing it to support that party or encouraging people to vote for their candidates.

If you want to invite party candidates to your meetings or premises, you should give all parties the same opportunities, and not explicitly encourage support for any one party. The Charity Commission says this can be hard to achieve in practise and gives guidance on how to achieve this.

### Charity workers and political activity

If a charity's employee is involved in political activity outside work, e.g. they are campaigning for a party or standing for election, they should tell their employer. The charity should then decide whether this poses any risk, e.g. to the charity's reputation or its independence, and decide how they are going to deal with this. They may wish to do the same for volunteers and trustees.

The charity's funds and resources, e.g. computers should not generally be used for party political campaigning. There are some legal exceptions to this such as some schools, which are also charities, have to make meeting space available free of charge.



## **The Lobbying Act**

Actually called The Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014, the Lobbying Act introduced new regulations for organisations that are not political parties but that carry out campaigning activity. Although there was a lot of publicity about these rules, they affect very few VCSE sector organisations, not least because they only apply to organisations that spend more than £10,000 on political activities.

## **Companies including Community Interest Companies and Companies Limited by Guarantee**

You need to avoid *party* political activity in the same way that charities do. There are extra requirements about carrying out other types of political activity such as campaigning for changes in law or policy. You will need explicit permission from the company's members, or its shareholders if it is a company limited by shares, if you are carrying out any activity that could be seen as intending to affect public support for a political party. There are also rules about political expenditure and donations and how these must be declared in the company's annual report.

## **How does the pre-election period affect other organisations we work with?**

Organisations such as councils, the NHS and the civil service all have their own guidance for staff and managers. In general, they must all avoid party political activity, and there may be additional rules. Councils, for example, are not allowed to carry out consultations on issues that may be regarded as politically contentious.

If you receive funding from one of these organisations, there may be extra rules around what you are able to do.

## **Where can I find out more?**

The Charity Commission guidance CC9 - [Campaigning and Political Activity for Charities](#)

The Charity Commission also produced a [report](#) after the last election to highlight examples of where charities had acted outside its guidance. Key issues included use of premises and resources, comments in the media and charity staff appearing in photographs with party candidates.

Sandy Adirondack has written a detailed article with sources and links to further resources. It is available via her website, [www.sandy-a.co.uk](http://www.sandy-a.co.uk), where you can also sign up for her other newsletters and updates.

[Bates Wells](#) has produced guidance for both charities and companies

[Guidance for local authorities](#)

[Guidance for civil service](#)

[Guidance for NHS](#)