

GUIDANCE ON LOBBYING ACT (2014)

TRANSPARENCY OF LOBBYING, NON-PARTY CAMPAIGNING & TRADE UNION
ADMINISTRATION ACT 2014
UPDATED MARCH 2021

WHO IS THIS GUIDANCE AIMED AT?

Staff, Trustees, Network volunteers and all volunteers across the UK.

BACKGROUND

The Lobbying Act affects activities that seek to influence or inform decisions, legislation and/or public policy. This note explains what the rules mean for staff, networks, trustees and volunteers and how to avoid leaving yourself and, by extension, Crohn's & Colitis UK, vulnerable. It also includes the Electoral Commission, Scottish Charity Regulator and Charity Commission's (2014) definitions of 'campaigning' and 'political campaigning' in the Appendix for your information, as well as some examples of legal campaigning and political activities.

This note is **not** intended to be legal guidance or exhaustive, so our main advice is - **contact the Policy team before taking forward new local campaigning or political awareness raising activity** - and contact us before accepting or extending any invitations to politicians, candidates or political events on behalf of Crohn's & Colitis UK.

WHAT IS THE ACT?

The Lobbying Act sets out rules for how charities conduct political activities and interact with political parties and their representatives. The law also introduces rules in relation to campaigning activity in the run up to local and general elections (and referendums).

WHAT DOES THE NEW ACT MEAN?

Charities can continue to campaign and seek to influence the Government or other public bodies for changes in the law (opposing a law or for greater compliance with a law), specific policies or decisions, **where they support their charitable purpose**. However, the Act is clear that political campaigning cannot be the sole purpose of the organisation.

There are rules about:

- where political parties and non-party campaigners can receive funds from;
- how much charities can spend on campaigning at certain elections; and
- how to be transparent about campaigning activities and political engagement.

STAYING WITHIN THE LAW:

Crohn's & Colitis UK (meaning: staff, Trustees, Networks and volunteers) must:

- Maintain its political independence at all times.
- Not give general support, endorsement or funding (or other resources) to a political party, candidate or politician (for example the charity is prevented from explicitly comparing its views with those of the political parties or candidates taking part in the election).
- Ensure that any political involvement or contact it has with parties and their representatives is balanced (this includes extending invitations to events/speaker requests to a wide political spectrum as possible. Please contact policy@crohnsandcolitis.org.uk for more guidance).
- Ensure that it is not used as the vehicle for the expression of the political views of any individual Trustee or staff member.
- Ensure that it is not exploited by a political party or its representative to promote any party political message.
- Only advocate support for a particular policy, where it happens to coincide with a political party or government, when it is in line with the charity's strategic objectives, and in doing so the charity's independence is stressed and the reasons for supporting the policy are clear.
- Be clear and transparent about any engagement it has with political parties.
- Not publish a manifesto where the intention is to influence voter behaviour.
- Ensure that employees directly engaged in a charity's campaigning activity have declared this interest to their employer (and in turn Trustees).

- For example MSPs or AMs during a national election.

Does your activity meet the ‘purpose test’?

- Does your call to action encourage voters (explicitly or implicitly) to vote for or against a particular candidate?
- Tone - are you negative or positive towards a policy closely associated with a party or category of candidates?
- Context and timing - are you campaigning on an issue that is particularly associated with a particular party (whether you name that party or not)?
- Did your campaign start before the election period or after?
- How would a reasonable person see your activity - would a reasonable person think your actions are intended to influence their vote?
- If the answer to most of these questions is ‘yes’ then it is likely that the activity in question meets the purpose test. (Scottish Charity Regulator)

WHAT NEXT?

Any activities, which may be viewed as ‘influencing’ or involve political engagement, during an election or referendum, locally or nationally, need to be considered in light of how the rules may impact them. Activities could include: organising a local event; organising or signing a petition; meeting with any political representative/s or prospective candidates; speaking, exhibiting at or attending an event; having a political or candidate attend or speak at an event or producing campaign literature.

Crohn’s and Colitis UK will support you to understand the Act, please email policy@crohnsandcolitis.org.uk for more information or to raise any questions or concerns you may have. Please continue to keep us updated about any local campaigning activities and interactions with elected officials on issues affecting people with Crohn’s and Colitis.

APPENDIX

Campaigning activity: refers to awareness raising and to efforts to educate or involve the public by mobilising their support on one particular issue, or to influence or change public

attitudes. The Charity Commission distinguish this from an activity which involves trying to secure support for, or oppose a change in the law or in the policy or decisions of central government, local authorities or other public bodies, whether in this country or abroad.

Examples could include:

- A health charity promoting the benefits of a balanced diet in reducing heart problems;
- A children's charity, drawing attention to the dangers of domestic violence and child abuse.

Political activity: aimed at securing, or opposing, any change in the law or policy of central government, local authorities or other public bodies in support of their charitable purposes, in the UK or abroad. Examples given in Charity Commission guidance include:

- Raising public support for such a change.
- Seeking to influence political parties or independent candidates, decision makers, politicians or public servants on the charity's positions in various ways in support for the desired change; and responding to consultations carried out by political parties.

Sometimes these types of activities will run into each other.

FURTHER READING

Speaking Out: Guidance on campaigning and political activities by charities (CC9)

Acts of Parliament www.legislation.hms.gov.uk

Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act, 2014

Representation of the People Acts, 1983, 1985 and 2000

Political Parties, Elections and Referendums Act, 2000 Local Government Act, 1986

USEFUL WEBSITES

The Electoral Commission www.electoralcommission.org.uk

The Advertising Standards Authority www.asa.org.uk

The Local Government Association www.lga.gov.uk

National Council for Voluntary Organisations: www.ncvo.org.uk

[Charities and campaigning on political issues: FAQs, Scottish Charity Regulator](#)