
What you need to know



***Trustee guide
to campaigning
and influencing***



Brian Lamb

What is campaigning and influencing?

You might call it influencing, voice, advocacy or campaigning, but all these activities are about creating change. At NCVO we use the word campaigning and define this as the mobilising of forces by organisations or individuals to influence others in order to effect an identified and desired social, economic, environmental or political change.

Whatever you call it and whether you are trying to save a local community centre from closing or lobbying government, campaigning is about creating a change. The impact is the real change created by a campaign – the difference it makes to people's lives.

Contents

Introduction	07
<i>New campaigning principles for a new context</i>	
As a charity what can you do?	08
Laying the foundations	12
The good campaign	18
Embedding change	24
<i>Ensuring your campaign secures change</i>	
The future	28
Further reading	30

What is covered in this guide?

Campaigning and influencing can be one of the most cost effective ways of achieving impact on the issues you work on, holding out the prospect of delivering sustainable change to the benefit of millions of people. It is a trustee's duty to look at all means of achieving your charity's purposes and this includes campaigning as well as service provision. A charity is not required to have a specific power in its objects to allow you to campaign and achieving campaign success can be simpler than you might think.

This first part of this guide will give trustees an understanding of what is required by law, the second part focuses on what is desirable for you to have considered and what is thought to be good practice in the development and implementation of campaigns based on the latest advice and best practice in the sector. It is relevant whether you are involved in a large organisation looking at the strategic overview or in a small organisation and are more directly involved in the day-to-day delivery of activities.

The guide covers everything you need to know about the Charity Commission's guidelines on campaigning, other relevant legislation and guidance on how best to scrutinise campaigning building on extensive practice development and case studies of what constitutes effective campaigning and advocacy.

Trustee guide to campaigning and influencing

Campaigning fulfils all kinds of important functions in a flourishing democracy, from holding politicians to account to empowering the politically, economically and socially marginalised.

It is important that we carry on providing a voice for individuals and communities, and that we carry on campaigning where we see a wrong that needs to be put right. It is something that we should be proud of.

As the people who are 'entrusted' to ensure an organisation complies with all necessary rules and legal obligations, being a trustee can sometimes be daunting.

However campaigning can, and should, be something that trustees consider as a means of achieving your charitable purposes. If trustees decide that they should campaign on a particular issue – they should seek to do so effectively, accountably and in accordance with charity law.

This guide seeks to give trustees an understanding of what is required by law and the latest advice and best practice relating to campaigning.

I hope it will give trustees the confidence they need to challenge the status quo and improve the lives of their beneficiaries.

*Stuart Etherington,
Chief Executive NCVO*

'The experience of charities means that it is right that they should have a strong and assertive voice. Often they speak for those who are powerless, and cannot make their case themselves. Sometimes charities confront extreme social injustice, which they will want to tackle head-on. The work that charities do, and the major role they play in public life, is something they should be proud of.'

Charity Commission, CC9 Speaking Out
Guidance on Campaigning and Political Activity

Introduction

New campaigning principles for a new context

Campaigning now spans the largest national bodies, with thousands of staff, to local community organisations, comprising a handful of individuals. From campaigns to restrict the building of airport runways to better school meals; from enhanced rights for disabled people to campaigns to address climate change; the sector has been at the heart of social and political debate. The Charities Act and Charity Commission's guidance on campaigning has recognised the increasing role of the sector while the greater professionalism of campaigners has made a huge difference to the impact voluntary and community organisations are achieving. These developments in turn have increased trustees' confidence about investing in campaigning.

As a trustee you need to consider campaigning for sustainable change along with any other type of intervention to achieve your organisation's goals.

You therefore need to ensure that your charity is successfully managing campaigning in the same way that you would scrutinise and support any other area of activity.

Responsibility in developing charitable work goes beyond looking at how to ameliorate disadvantage and injustice to looking at the root causes of the problems you are seeking to address. Organisations can harness the vibrant dissatisfaction of members and supporters who want to campaign but also ensure that this is grounded in an organisational understanding of how to bring about lasting change through campaigning and political activity. Charities are now a central part of these conversations with those in power – not just to speak truth to power – but also to ensure that we then become the partners in making change happen.

Successful campaigns do not just trace a bright path across the political sky line, but also build a lasting consensus around an issue or deliver sustainable change for beneficiaries. This guide will help ensure that your organisation is engaged in and delivering real impact for those you serve through campaigning for change.

As a charity what can you do?

'Campaigning, advocacy and political activity are all legitimate and valuable activities for charities to undertake. Many charities have strong links to their beneficiaries, and more generally to their local communities, commanding high levels of public trust and confidence, and representing a myriad of diverse causes. Because of this, they are uniquely placed to campaign and advocate on behalf of their beneficiaries.'

Charity Commission, CC9 Speaking Out Guidance on Campaigning and Political Activity

It is your duty as a trustee to ask the same questions of campaigning as you would for any other area of activity. Is the proposed activity in line with and going to achieve our objectives and at what cost compared to other areas of activity? What are the potential risks and opportunities and what are the likely chances of success? Charity campaigning is no more inherently risky than other activities but does need to be managed effectively. The activities that are allowed under charity law are much wider than is commonly imagined. This section reviews what is permissible.

What is campaigning and political activity?

It is your duty as a trustee to be aware of and ensure you understand the overall scope and extent to which you can use campaigning and political activity to achieve charitable purposes as defined in the Charity Commission's guidance.

Campaigning is diverse and it can involve a range of activities from lobbying decision makers to direct action to raising issues in the media, but for the purposes of charity law campaigning activity falls into two broad categories.

1. Public or awareness campaigning which is focused on public attitudes and behaviour and aimed at mobilising public support for or against an issue or to get them to take action. This would include the recent campaigns to get people to stop using plastic bags because of the environmental damage they cause; improve healthy eating through changing school meals; getting companies to change their practices on food labelling and trying to change people's behaviour in relation to the environment. This category also includes calls to have the law properly implemented where this is currently perceived to be failing.

2. Political campaigning which is focused on trying to bring about a change in the policy of Government or public bodies with a view to either preserve or change the law in this country or abroad. Recent examples include campaigns to ban landmines, enhanced rights for disabled children, change planning laws to banning experiments on animals. Activities in pursuit of these aims included briefing MPs of all parties, letter writing and petitioning parliament, responding to Government proposals, suggesting amendments to legislation and supporting MPs to bring in their own legislation. Many organisations also support the work of parliamentarians through organising parliamentary groups.

Charities and political parties

Charities can also support a particular policy of a political party or have policies, which coincide with those of a political party, as long as it is made clear that the policy is in support of the furtherance of your charity's aims. It is also acceptable to work with political parties by appearing on a joint platform with them at party conferences or similar events or by commenting on policy documents or draft manifestos. However when doing so it is the duty of trustees to ensure the organisation is managing risk properly. That you are even handed between the political parties and that you can demonstrate that your activity is in the furtherance of your charitable objectives.

Elections

Charities can campaign during elections and these provide a good opportunity to promote the views of your organisation and raise your profile. However more care needs to be taken to ensure that political neutrality and independence is maintained. In the run up to and during an election a charity may promote its views but must not explicitly compare these views with those of the political parties or candidates taking part in the election and you must leave the electorate to draw their own comparisons between the parties, candidates and policies. Charities are free to approach candidates and ask for opinions and invite them to meetings. At all times charities must strive to maintain a balance between the parties if you do so. You should be aware that publishing materials could mean that your organisation also has to register with the Electoral Commission if you exceed a certain level of expenditure on election materials, currently £10,000 in England and £5,000 in the rest of the UK.

It is recommended that trustees are vigilant about activities undertaken during an election period, especially in ensuring you maintain the independence of your organisation. Ensure that you have sought advice if in doubt about what actions are permissible. The Charity Commission produces specific guidance on elections, as does the Electoral Commission. For more advice consult the Electoral Commission www.electoral-commission.gov.uk and the Charity Commission www.charitycommission.gov.uk

Party political activity

Political activity is permitted but must not be confused with party political activity, which is expressly forbidden by charity law.

A charity cannot:

- A) Support a political party or allow the charity to be the vehicle for political views (personal or party political) of any trustee or staff member.
- B) Financially support or give support in kind to a political party.
- C) Have a political activity as its main purpose – this would include as a purpose a change in law or policy decision of Government or furthering the interests of a political party.

Charities derive part of their trust from the public from the assurance that they are not acting in a party political way or are the surrogate for other political interests. Therefore trustees have a duty to ensure that the charity does not undertake any activity that exposes the organisation to accusations of political bias, as this will affect perceptions about your independence.

Charities do not need to have a specific power in their constitution to allow them to campaign. Governing documents can also refer to campaign or political activity as long as it is clear that these are in the furtherance of the organisation's charitable purposes.

If you are an educational charity you need to be more careful about considering what you campaign on to ensure that the issues you take up are directly related to your purposes. However you do not necessarily have to put all sides of an argument if this would conflict with your charitable purpose.

Balance of activities

There is no set amount of resources that charities are allowed to devote to campaigning or political activity. As a trustee what you must ensure is that the activity is only a means of supporting or contributing to the achievement of your overall charitable purposes. This means that there could be situations in which it was reasonable to apply most or all of the organisation's resources to a campaigning or political activity if you judged that this was the best way of achieving your charitable purpose. However this situation could only apply for a period of the overall life of your charity.

This requirement may be more difficult to achieve if you are small community based organisation than if you are a large charity given the disproportionality of the resources involved but even so this is not impossible. A small community charity for the preservation of the local countryside could campaign for a bypass to the village as its sole activity for a period of time if it felt that best achieved its objectives.

Trustees have a duty to ensure that the organisation stays within the scope and implications of the definition of campaigning and political campaigning. These are very broad and only party political activity is expressly prohibited. Trustees also have a duty to ensure that the activity you undertake is in line with achieving your purposes. Over time you must ensure that this activity is a means to an end and does not become the reason for your existence.

Complaints and the Charity Commission

Complaints against charities for inappropriate campaigning are a very small part of the Charity Commission's work. This suggests that rather than this being an area of exceptional risk for charities it is a relatively low one. However if you are the subject of a complaint you need to be aware that the Charity Commission will investigate and that if you are found to have breached the guidance they have extensive powers to address any failings. Normally the first action would be simply to ask the charity to remedy the particular problem.

The Smith Institute

The Charity Commission investigated the Smith Institute over claims that its use of Number 11 Downing Street for events, its tendency to invite only Government ministers to speak and the unbalanced composition of the board meant that it was too close to one political party. The Commission instructed the charity to widen its board membership, make clear there was no connection to the Labour Party and ensure better balance in the speakers it selected. However it also judged that the charity was capable of continuing to operate for the public benefit.

Laying the foundations

Do we need to campaign?

Before undertaking a campaign the first question should always be – do we need to do this? Ask the questions what is it that you want to change and what is going to be the most effective way to achieve your objective? Will the potential target of the campaign change without you having to mount a campaign? It is good practice to insist on an analysis within a campaign plan that shows why campaigning is the most effective response for the organisation. This will ensure that you have clarity about what you are trying to achieve and will not make the mistake of launching a campaign which was unnecessary or wrongly targeted.

The campaign cycle

Once you have decided on campaigning it is useful to understand what a typical campaign cycle looks like. Only by understanding how a campaign works and the various stages involved will you be able to judge if the appropriate activities are taking place to achieve campaign objectives and achieve the impact you want.

There are a number of ways of envisioning how an issue develops into a campaign for an organisation. What follows is simply one way of looking at the process which tracks the logical and chronological order campaigns typically follow. One of the greatest dangers is to go straight into campaigning without having addressed what you are trying to achieve and how. However it is worth remembering that life, especially political life, is often a messy business and therefore this is only a guide not a recipe.

Road map of a campaign from inception to completion

Identifying issues, scoping and planning.

The organisation becomes aware of an issue and builds a fuller understanding of it by conducting research. Develops a policy position and identifies the impact it wants to achieve. Explores if there are other organisations working on this already and ensures that there is no simple way of resolution. Develops a campaign plan of action, identifies the resources to campaign and tests out with key audiences and beneficiaries. Creates an evaluation framework for the campaign and milestones.

Campaigning

Launch of a campaign and monitor progress. This could be by mobilising opinion publicly or low-key political campaigns that seek to resolve issues without recourse to large scale campaigning. The campaign gets traction with the public or target audience and achieves fully or partially its initial aims. If so you need to move to evaluating current success and next steps.

If this fails you need to review strategy and decide if a different approach would have worked or that the circumstances or strength of your case means no amount of activity will fare better.

Evaluating

Analyse the evidence you have gathered and assess the success of your campaign. Decide what might need further campaign activity or how you can embed the change you have created.

Embedding change

Even if the campaign has been successful, the change it brought about still needs to be embedded so that gains do not dissolve or become overridden by new imperatives. You need a strategy to ensure that this happens.

Consulting

Being a partner in developing further change with the original target and giving advice and delivering services or beginning a new cycle of campaigning if further change is needed that cannot be achieved through this route.

Emerging issues – using research and policy to support your campaign

Getting the evidence in place

Government both nationally and locally has become more open. The new reality of policy making involves groups of policy entrepreneurs, including the voluntary and community sector, often commissioned by statutory agencies and Government, solving problems too intractable for traditional services and policy approaches.

Working with communities and individuals gives charities a unique insight into the issues they face and possible solutions. However knowledge often needs turning from anecdotal insight into firm evidence and policy-based prescription. Only when there is a sound case for taking action can organisations proceed with confidence towards scoping out the ground for a campaign and be sure that the aims of the organisation can be successfully achieved.

Government is ever more focused on evidence-based policy making, with a stress on what works at its core. This means that the role of research and policy has become more important. Improving your use of evidence will improve your ability to influence policy and create effective campaigns. Without good evidence there is no case for taking action however strongly you feel that there is a case for change.

This knowledge – or evidence – can be used in a number of ways throughout the policy process:

- **To inspire** – to generate support for an issue or action; raise new ideas or question old ones; create new ways of framing an issue.
- **To inform** – to represent the views of others; share expertise and experience; put forward new approaches.
- **To improve** – to add, correct or change policy issues; hold policy makers to account; evaluate and improve your own activities; learn from each other.

The relevance and use of evidence is in part determined by the stage of the campaign and process and what type of campaign you are undertaking. It can be used, for example, to identify the scale and nature of a particular problem, to evaluate the impact of existing policies, to test proposed solutions to an issue, or to explore the views and experiences of people affected by the issue.

You cannot frame either research or communications material to elicit a particular response. This could be seen as party political. The Charity Commission criticised the League Against Cruel Sports for using a poll which characterised a party as being “nasty” as opposed to “compassionate”. The Commission found that the League had contravened rules on political neutrality. The League’s claim was based on the results of a YouGov poll it commissioned asking whether the Conservatives’ pledge to hold a vote on hunting was “more in keeping with a nasty party or a compassionate Conservative

party”. More than twice as many respondents described the Conservatives as ‘nasty’ than ‘compassionate’, the press release said. However the Commission found that the wording of the poll was expressly “designed to elicit a particular response for the purpose of criticising the party”. It therefore concluded “The wording chosen by the charity was party political in character and went beyond the sort of statement that a charity can properly make.”

While there is no legal requirement to have research to support a campaign it is recommended as good practice. Of course it may be the case that the evidence already exists and just needs assembling and presenting based on previous work of your organisation or others. It is still important that any claims you make can be backed up but this can always be proportionate to the scale of the issue and the capacity of the organisation.

Key areas to look out for in assessing the effectiveness of research and policy to support your campaigning activities;

Agenda setting

Using research and policy to establish your own frame of reference or agenda.

Timing

Timing is everything, is it going to fit in the policy and decision-making timetable of those it is aimed at?

Relevance

Research and policy needs to show the links between possible interventions and the outcomes you are aiming to achieve.

Implementation

Demonstrates the operational relevance of evidence and to make such evidence relevant to decision makers.

Monitoring and evaluation

Paints a clear picture of what the impact of current policy is and where it is succeeding or failing.

Quality of evidence

Ensure that you have review procedures in place to ensure quality.

Promotion

Is the evidence presented in a way that is convincing for the research and policy community – is it easily accessible for others?

Research gives trustees choices, which may in the end be based on value judgements about what is most important between competing demands for resources and time. What this process will allow you to do is have clarity about the decisions you are making and a reasonable expectation that solutions are well founded.

Planning for success

'If it quacks and has feathers, it's probably a duck'

Proverb (quoted in Good Campaigns Guide, NCVO 2005.)

You need to ensure that the impact or the outcomes you hope to achieve through your campaign are clearly identified right from the start. After checking whether campaigning is the best way to achieve this impact, you will then be able to design an appropriate campaign plan.

Being clear at the start will help ensure that the campaign stays focused and creates clarity for everyone involved. It will also ensure that you collect evidence of success as you go and therefore create better opportunities for reporting to funders and stakeholders. Trustees will need to ensure that they have a strategic overview of how the campaign is being monitored as part of your overall monitoring and evaluation framework. Make sure campaigning is part of it.

Evaluation can be made overly complex. A great deal can be done very simply and all organisations should attempt to evaluate their campaigning activity. There are many theories about how to define, measure and evaluate impact. The biggest danger is that these often stop people doing the simplest of things that can make a huge difference to how they can evaluate what they are doing and demonstrate impact.

The simplest method of setting up an evaluation and impact framework at the beginning of a campaign is to define very clearly the impact you wish to achieve, what the outcomes are for the campaign that would lead towards those impacts and define on a yearly basis what progress you expect to achieve. Write these down and hold your organisation to account against them and review regularly. This "distance travelled" model can work for a single issue such as as improving school meals in your local school to a complex multifaceted campaign.

As trustees it is good practice to develop a strategy that includes the following:

Activities – what resources are being expended on what activities, what effect those activities are having on their targets, number of MPs/decision makers who are supportive, increase in profile for the campaign amongst its target audiences, level of participation in campaign activities, increase in proxy measures of influence such as press coverage, mentions in policy forums, shifts in public attitude towards your issue or cause.

Outcomes – what is being achieved against the campaign aims so changes to legislation, policy or practice, commitment of additional resources to an issue or area, change in planning permissions or ways of doing things, ending of practices or introduction of new ones such as safety measures.

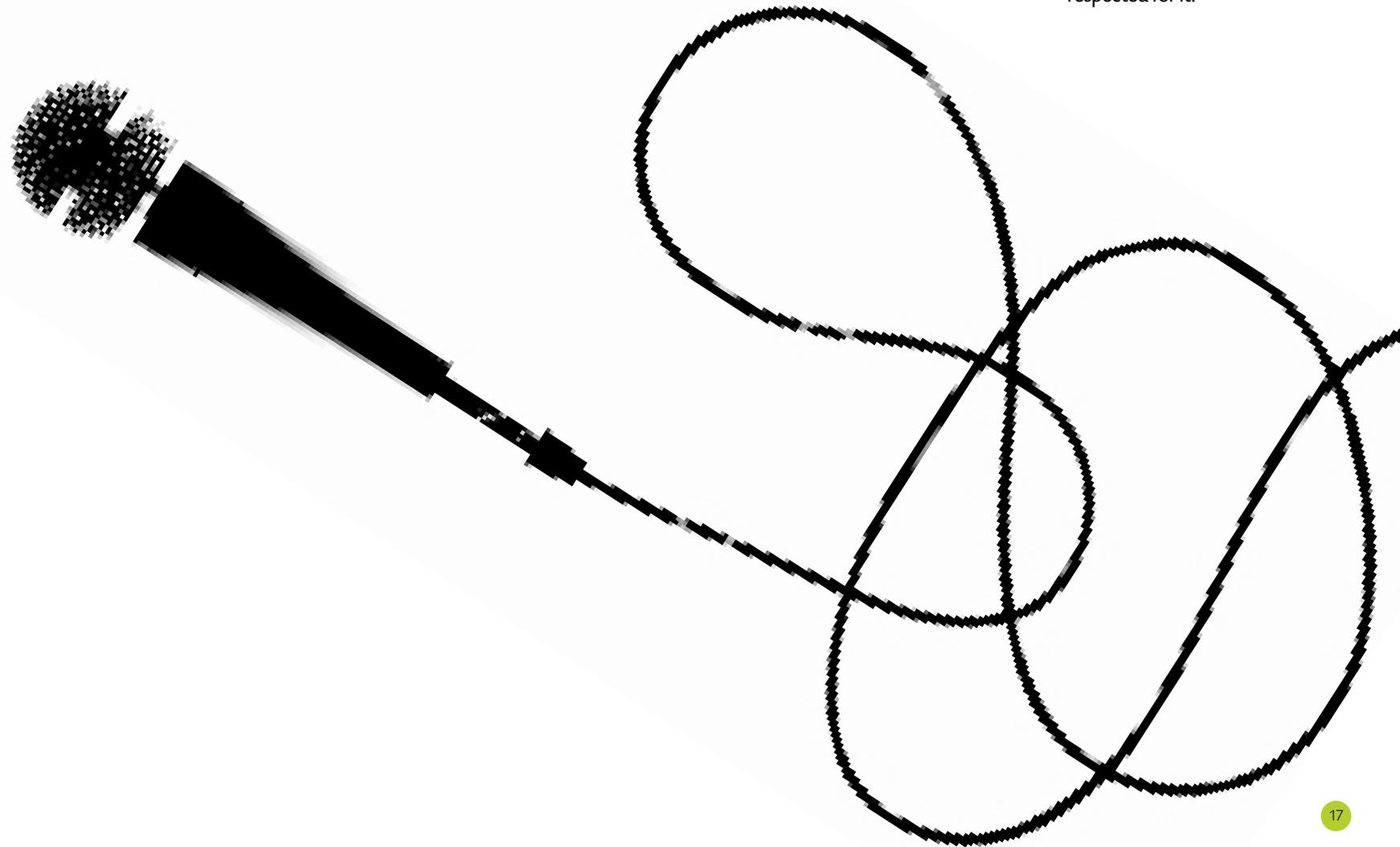
Impact – the difference your campaign makes. You then need to set up monitoring to test if the outcomes really do lead to the desired impact you had envisaged. Has the change in legislation bringing in additional legal protections actually been used and been effective? Has a change to school meals brought about healthy eating in the school population and led to better health and social outcomes. Did the improved buildings that people were happier with? When doing this you need to think about what is practicable and achievable given the circumstances of your organisation. Starting with those who are the beneficiaries of your campaign is always a good idea – if they are not noticing the difference you have a problem.

'It doesn't really matter whether you can quantify your results. What matters is that you rigorously assemble evidence – quantitative or qualitative – to track your progress. If the evidence is primarily qualitative, think like a trial lawyer assembling the combined body of evidence. If the evidence is primarily quantitative, then think of yourself as a laboratory scientist assembling and assessing the data.'

Jim Collins Good to Great and the Social Sectors.

Remember the law of unintended consequences. The social world is not a clockwork mechanism that only responds in one way. Good plans try and look forward to what the potential consequences of change could be and evaluate what the actual impacts of success are. Getting better public services might mean more people wanting to use them – has this been factored into the plan?

It is best practice to ensure that a good evaluation framework is in place. It is very likely that you will already have a framework in place for evaluating the overall performance of your charity; make sure campaigns are part of it. When reporting remember to tell all your stakeholders about your success and failures. You will be respected for it.



The good campaign

*At the core of the campaign should be a **clear measurable goal**. The general development of this should have already been determined by your research and policy work but this needs distilling into a clear and easily understandable aim to which you can start mobilising your resources. The goal needs to be about the impact you need to achieve not the process by which you achieve it. Creating a movement for change or raising public awareness is certainly an achievement but should not be the end goal. If it's not measurable it's unlikely that it's achievable.*

It is good practice to ensure that a monitoring framework is in place for you to apply to your campaign as it progresses and make evaluation at the end easier. Related to this you need to therefore ensure that objectives have been set that you can demonstrate have a likelihood of success. This does not mean you should not be ambitious but if aiming for a big change you need to be sure there are milestones along the way that can be measured and that the means match the ends.

You need to ask some key questions

Is there a clearly identified end goal?

What is the likelihood of success?

What are the resources necessary to achieve this and do we have them?

Is it clear how the goal relates to you achieving your charitable purposes?

Targeting your campaign

Trustees should be focused on the overall strategy and evaluation of campaigning activities not the implementation. However there are some useful pointers to keep in mind when looking at campaign plans.

Plans will need to consider:

Is there a clear target or decision maker that can be influenced?

Is there a key clear message and call to action that will have resonance with target audiences?

Has the organisation got credibility with target audiences to make a difference?

Overall style and scope of communications

You should expect that your organisation's campaigns have a **clear and compelling message**, which works with the grain of people's thinking and beliefs. While speaking truth to power can be satisfying it is as important that you ensure your message is actually getting through to people and helping to deliver the change in opinion you need. Good campaigns start from where people are and ensure you frame the issue in a way that has a chance to appeal to them. The campaign to stop the third runway at Heathrow started from resident's worry about noise pollution, health and the effect on the local community before going on to challenge aviation policy and air travel's effects on global warming.

The overall campaigning message should be readily understood and can be simply told and retold. It needs to strike an emotional cord – think to win hearts first then minds. Campaigning involves conflict, don't be afraid of that, use it to dramatise your issue.

There are some key criteria for what makes a compelling narrative for your campaign. The best narratives actually fit with and give life to your underlying evidence base by telling the story in a human and compelling way. It also activates powerful emotions and values that give rise to the motivation for action. For engaging the public and politicians and the media a good narrative is going to be as central to you achieving campaign success as your underlying research.

Taking action

You need to check that your campaign has a **clear call to action** that people can easily take and to achieve a clear end not just an analysis of the problem. Ban Land Mines simple campaign message illustrate these maxims – "Write to your MP as children and adults are dying now; banning them will end unjustifiable suffering and death of innocent people and can be easily done".

Your campaign will exist in an environment that is saturated with other messages and calls on people's time. It needs to stand out and give a compelling reason why action has to be taken now.

Campaign methods and their implications

Public campaigning will typically follow a number of triggers, from the launch of a report or policy demand around a particular event, conference or anniversary, to a response to a particular threat to someone's welfare or proposed change in legislation that has been announced. Organisations will then look for a number of different ways of dramatising the issue and bringing it to public attention. Campaigning is about bringing focus to an issue and then putting the maximum amount of pressure necessary to persuade those with the power to take action to make the change. Each of these methods has implications which trustees should at least be aware of even when not managing directly.

Publications and advertising

There are some basic rules to keep in mind about communications and some guidelines charities must follow. Trustees cannot be expected to be aware of the detail of these obligations but it is your duty to ensure that risk management procedures are in place that will have considered them.

The Advertising Standards Authority (ASA) is the independent self-regulatory body for both broadcast and non-broadcast advertisements, sales promotions and direct marketing in the UK and administers the British Code of Advertising, Sales Promotion and Direct Marketing.

The Broadcasting Committee of Advertising Practice (BCAP) administers the Radio Advertising Standards Code and the TV codes are jointly administered. These codes have their own prescriptions about what is permissible for advertising and broadcast media.

The code covers all publications to the public, not just paid-for advertising. Remember, anything on your organisation's website or any type of campaign material is a publication for these purposes. There are also different rules for broadcast and non-broadcast media and organisations also have to take account of the Communications Act 2003, see below. Anything your organisation publishes can be referred to them by a member of the public if they feel you have breached the overall requirements to be "legal, decent, honest and truthful."

In general these guidelines should not be at all difficult to comply with if your organisation has followed the good practice in previous sections. However you need to be careful about the claims you might make and ensure that these can be substantiated if challenged. You also need to ensure that you do not unnecessarily cause distress. This element of the code has caught out a number of organisations with powerful messages around rape, child abuse and bullying who have wanted to dramatise their issues but had permission refused or been asked to withdraw or alter advertisements.

If a complaint is made the organisation will be investigated which can be a rigorous process and your staff will have to be able to produce evidence for any claim made.

If your charity is found to have breached the guidelines the judgment will appear on their website and it is likely that they will ask you to withdraw the offending claim and any material that reproduces it.

Not only can this cause serious damage to your organisation's reputation but also be very costly depending on how much material you have published. Persistent breaches of the code might be seen as implying mismanagement or maladministration of the charity's campaigning work. This could trigger an investigation by the Charity Commission. The ASA provides a confidential advice line if you are unsure about any advert or item of material.

The sensitivity of the public to strong or challenging messages has also been overstated in the past. Most people now have a much more sophisticated appreciation of advertising, whether in print or broadcast.

This is borne out by recent research which found that almost 80% of the public think it is justifiable for charities to use "shock tactics" especially if it was appropriate to the seriousness of the issue being raised.¹ For both domestic violence and child poverty this was not seen as controversial. As a result of advertising just over a third had taken action as result while only 2% of responses had been negative, for example cancelling a subscription to a charity or making a complaint. There is of course the danger that "shock tactics" can be used lazily, as the quickest route to provoking a reaction without it ensuring a long-term change in behaviour. However organisations should trust the public more and regulators need to think more carefully about the capacity of the public to absorb and intelligently respond to such material, before reaching for the red pen.

"Political Advertising"

The Communications Act 2003 prohibits the use of paid political advertising in the broadcast media. The ban does not affect internet, cinema, sms, telephone billboard or newspaper advertising which is covered by the ASA rules, see above. Political has a very wide definition and includes seeking a change to the law, government decision or policy. It also extends to prohibiting any advertisement from any body constituted to achieve those ends. It also prohibits any attempt to influence public opinion on a matter which is the subject of public controversy.

Most controversially this has resulted in the banning of the "one click ad", which was intended to draw attention to the impact of poverty on child mortality across the world due to poverty, which was produced for the Make Poverty History campaign. These restrictions have been a major blockage for a number of organisations.

Working with the media

One of the advantages of the extensive media network we operate in is that it is possible for everyone from the smallest organisation to the largest to get their issue onto the media agenda with the right approach and a strong story to tell. It is important to ensure that all statements to the media are capable of being backed up by evidence and that they are honest and factual.

As well as Charity Commission guidelines you need to ensure that you are not breaking the civil law of defamation (slander and libel). This should be taken seriously by campaigning groups as the potential costs of a libel suit could be significant. Slander refers to the spoken word and libel to written. Libel also extends to statements that are likely to have a lasting impression such as interviews on television or radio. Libel is the more significant concern as involves damage to an individual's reputation. You therefore need to ensure that any statements are factually based or honesty derived and that there is no malicious intent. It is rarely wise to personalise a campaign around one individual.

Campaigners will want to make extensive use of all modern communication methods. Presenting a compelling case is essential to effective charity campaigning and raises no additional risks as long as the material is based on sound evidence.

Charities can tackle emotive issues. Indeed for causes from ending child abuse and poverty to assisted dying and promoting animal welfare, the very fabric of your activity will lead you into emotionally charged areas. Good communication in general and campaigning in particular depends on being able to distil issues to their core elements and dramatise the consequences through good campaign narratives.

Where doing this will raise strong reactions from the public a charity needs to be careful to ensure that its evidence base is well founded and that any claims are factually accurate. Trustees should take into account what impact the use of emotive materials, images and adverts may have on the public's perception of your charity against the potential to reach and motivate the public and change attitudes.

Demonstrations and direct action

Charities can engage in direct action and demonstrations as part of their campaign. This can span simply handing out leaflets about an issue through to mass rallies, marches, and peaceful picketing. Mass rallies and marches can be useful for demonstrating public support for an issue and securing media coverage. They can also be very helpful to bring supporters together to share ideas and create solidarity around an issue.

Like other campaign tactics it needs to be considered in the context of an overall strategy that aims to bring pressure on a particular target.

Much will depend on your charity's typical style and public positioning as to the type of public actions undertaken and level of risk that might represent for your reputation. This type of activity is directly covered by the Serious Organised Crime and Police Act 2005 (SCOPA) the Protection from Harassment Act 1997 and the Public Order Act 1986 and your staff should consult this legislation before undertaking public demonstrations.

The main areas of risk management are:

- Ensuring that you have the correct permissions if you are demonstrating near Parliament – the definition of demonstration is very widely drawn in the legislation and can cover almost any type of activity
- Ensuring that if picketing is involved that demonstrators are not harassing individuals especially if this is at their home rather than place of work or where the two places are likely to be close to each other
- Ensure that the organisation is in full control of the demonstration, has liaised with the police and other authorities and that those taking part are clear about the aims of the event and requirements to have a peaceful demonstration.

Charities cannot advocate the breaking of the law as legitimate campaigning activity. Public demonstrations can bring particular risks that need to be well managed but are an important part of a campaigner's repertoire and give opportunities for people to work together and exercise their rights to free speech. As a trustee it is good practice to check that procedures are in place to manage those risks.

¹You Gov Poll reported in Third Sector 16th April, 2010

How to involve supporters and beneficiaries

Members and beneficiaries are the lifeblood of many charities. Working together to ensure that they are fully consulted and engaged in the campaign will mean it stays grounded in their needs and will increase both the credibility and legitimacy of your campaigning. As an organisation you therefore need to think carefully about how you employ your most precious resource.

There is no one set approach to involving supporters and those you serve but it is important to think about why and where they can be involved throughout your campaign. It could be useful to think in terms of the campaign cycle here from:

- Identifying problems and selecting the issue as well as collecting a firm evidence base for the campaign;
- Agreeing on the aims and signing off the objectives;
- Planning the strategy and deciding on the right tactics;
- The delivery stage when you actually make it happen and;
- In the ongoing monitoring and evaluation – how it is making a difference to their lives.

Organisations have become increasingly sophisticated in how they go about this. Many now routinely survey their members on campaign priorities; ensure that they are involved in presentations and meetings and take the lead in campaign events. Crucially having someone who personifies your cause or can talk from experience is priceless to a campaign because the public can more easily identify with a human story related by someone directly affected by the issue.

Organisations are now routinely using trustees and members in the front line delivery of campaign messages such as media interviews, meetings with ministers and motivating the public. Much will depend on the style of the organisation and particular role that board members play but this also provides a very strong association between the board and campaign activities that can be positive for both.

Trustees can also be the bridge through to wider participation with members, beneficiaries and supporters. Where this does happen thought needs to be given to the particular support needs of the individuals fulfilling these roles. Trustees need to be clear that they are representing the policy and positions of the organisation and not the individual's own thoughts and wishes.

Campaigning in coalitions

Increasingly most major campaigns involve a level of collaboration and many of the largest can only be delivered by campaigning coalitions. The scale of the task often drives this; ending child poverty or halting climate change are national or global issues that may only be susceptible to co-ordinated pressure from many sides. Even large organisations benefit from working in coalition where there is an obvious joint agenda.

Not only does strength in numbers give better leverage but also a coherent and co-ordinated voice is much easier to negotiate with and will increase your chances of not being picked off. Seeking out allies from beyond the sector, but who are in line with your organisation's mission, can help demonstrate widespread support for the issue and get your campaign noticed.

Co-operation is also a key value for the sector that prides itself on being inclusive. However, coalition campaigning can bring very significant challenges that need to be managed to ensure success. When thinking of working in coalition you need to consider:

- Is this the most effective way or pursuing your campaign goal?
- Is your goal shared by the other organisations and, if not, what compromises can you accept for the advantage of greater leverage?

- If you don't co-operate will this damage your capacity to achieve your target audience or create conflicting or competing messages with the public?
- Do you have the capacity to be an active and equal member of the partnership?
- Is there the potential to create the level of trust and co-operation between the organisations involved? It helps if there is also trust between the individuals involved.

Most coalitions have good and clear management structures where members can come together and discuss issues and a common position and allocate work between the members. The clearer the structure and lines of responsibility the more likelihood of success. Working in coalitions is not necessarily about all getting on; it's about clarity of purpose and responsibility for decisions.

As the focus changes during a campaign there will be a need to ensure that this is continually looked at and updated.

Trustees need to be aware that working in coalitions will also bring up complex issues about branding and organisational profile and there is often a balance between achieving your objective and being seen to be able to attribute success to your efforts.

Campaigning in coalitions can open a charity up to particular risks that trustees need to be aware of. You need to ensure that being part of a coalition represents a reasonable means of achieving your charitable objectives and is not so broad as to not be relevant.

Trustees have a duty to ensure that staff have effective control over the messages and positions the coalition takes so that you cannot be brought into disrepute or your independence questioned by being inadvertently associated with a political party, lose your independence or inadvertently fund a cause that is not relevant to your purposes.

Involving people examples

In the Women's Institute every year a number of resolutions or issues are put forward by members to the national body that members want them to campaign on. These go through a yearlong debating and consultation process with the membership. A select number are then chosen for debate at the AGM and if agreed become part of the national campaigning mandate for the organisation giving them credibility with Government and the public and accountability to their members.

Shelter's Missing Millions campaign used homeless families to record their experiences and children to write poems about how they felt. These case studies were then used in the campaign to illustrate the personal effect of the issue and bring it alive with the public and politicians.

Embedding change

'You know, Hannibal, how to win battles, but you do not know how to use your victories'

Said of Hannibal by his brother Maharbal.

Ensuring your campaign secures change

You need to know how to convert your individual victories into sustainable change. This means knowing the difference between strategy and tactics and ensuring that you do not mistake the quick victory for long-term success. Also the price of success is eternal vigilance. There is a static model of social change that assumes social and campaign progress is like a social escalator, every gain in social progress for a group or cause leading on upwards to the next. But in many areas of social and political engagement things are as likely to fall back as to advance, more generous benefit entitlements can be taken away, services removed as well as added, protections weakened or legislation ignored. You need to be prepared to ensure that you are the custodian of your own success.

Planning for success means ensuring that you consider how you are going to embed success into the next stage of your campaign or organisation's development. This could be through becoming a delivery agent of the change that you have brought about or by making sure that you are consistently monitoring the implementation of whatever measures you have succeeded in achieving.

Consulting – become a partner in change

One of the biggest impacts organisations can have is when they become partners for change with those they have been campaigning against. Greenpeace now spend as much time talking with the oil industry in the boardroom as on rubber dinghies in the southern oceans.

The reason is that they have been identified as a key partner in delivering change. This brings with it huge advantages but also the obvious danger of being incorporated and your campaigning edge blunted.

Working with the Government of the day, public authorities or companies through participation in working groups, writing guidance, developing codes of practice or advising on business practice are all legitimate and important ways of continuing dialogue and ensuring change is delivered. Trustees need to ensure in undertaking such activities that you are not becoming co-opted and that at all times you are retaining an independent voice. Trustees have a duty to ensure that you do not put your public reputation in danger by appearing to favour a particular party, as opposed to its policy, or being seen to align the charity closely with a company that could be seen to undermine your independent voice.

In handling communications you may find that you are asked to support the position of Government or a company's practice. Again this is fine as long as you are clear this is because they are promoting your issue and you are not being co-opted to provide support for them.

You also need to think about opportunities for service provision, which follow on from changes to legislation or entitlements. When your organisation's role changes like this you may need to deploy different staff with other skills and trustees need to think through what this entails in ensuring that management have given sufficient consideration to what happens to successful campaigns so you can make the most of the potential to secure long-term change.

It is good practice to ensure that you have a plan that goes beyond the immediate outcome of the campaign. When working with partners to embed that change make sure that you are continuing to drive your agenda and are not being co-opted to theirs. It will be useful to go back to your original objectives to check this and measure against the impact you intended to have.

Every Disabled Child Matters

Every Disabled Child Matters (EDCM) campaigned for significant investment in short breaks for families of disabled children. The Government invested substantially in a new programme to support families, which would be provided through local authorities. EDCM then ensured that they were part of the Government delivery and monitoring board which reported to Ministers so that they could still influence how Government and Local Authorities worked on delivering the programme. This included getting regular updates on the roll out of the programme, consultation on guidance and working methods with service delivery partners and monitoring of the impact and effectiveness of the programme as the evaluation became available. This allowed the coalition to continue to put pressure on when it was perceived that progress was slowing but also provided constructive support to ensure that the original focus and aims of the reform were delivered and provided direct feedback to Government on this.

Fundraising and campaigning

With greater focus on the integration of campaigning messages trustees should consider the risks and opportunities of combining fundraising and campaign activities. While this can bring great benefits in terms of increasing the range of activities you are offering supporters and many organisations may have to fundraise for campaigns that they undertake you should also be aware of the implications of doing so. All the charity's communications will still have to comply with the guidelines from the ASA and Charity Commission if they have a campaigning content. Further, trustees need to be satisfied that when you enter into a commercial arrangement with a sponsor this does not damage your independence and ability to speak out on issues that affect your purpose because of that arrangement.

There will often be a creative tension between fundraising and campaigning. To get the best out of this relationship it needs active consideration, often at board level. In integrated campaigns concerns may arise that campaigning messages will become subservient to the needs of raising money, messages distorted so as to appeal better to donors or commercial relationships entered into that could damage the independence of the campaign. These issues have become more acute as many more organisations seek to leverage campaigning and funding messages in more integrated campaigns and commercial organisations become more sophisticated at aligning themselves with social issues. These debates and concerns are real and often provoke difficult choices for senior staff and boards between competing priorities and concerns of different staff groups.

It is good practice for trustees to ensure there is active consideration of the implications of any campaign messages and any conditions, explicit or implied, in any commercial arrangements with sponsors. In integrating campaigns trustees need to ensure that the core objectives of the purpose of the campaign meet funding objectives. You must also ensure that in any such arrangements the partnership does not inadvertently bring exposure to the organisation to a situation where you would end up taking funding from a third party who is political as defined by the guidelines.

Campaigning and service provision

The Charities Act in 2006 outlined a clear space for charities to work in that confirmed their role as advocate as well as service provider. The sector has yet to completely come to terms with its social advocacy role, especially amongst smaller voluntary organisations. With the latest research showing that 64% of medium sized organisations and 32% small ones receive a portion of their income from statutory sources, either national or local Government² there is often a tendency to think that campaigning is only legitimate and possible for larger organisations who are less restricted by dependency on a single stream of statutory funding. This has often led to an element of "self policing" by the sector with the assumption that it cannot bite the hand that feeds it in spite of being enjoined to do precisely that by a recent Minister of the Third Sector.

Indeed, a fundamental principle of the Compact is for Government to respect the independence of organisations. This includes recognising the right within the law to campaign, to comment on and to challenge government policy, and for each organisation to determine and manage its own affairs.

Campaigning versus service provision is a false dichotomy. Organisations by necessity will have to address the broader context in which they work and voluntary activity forms part of a continuum from advocacy to provision. Research shows that the most effective organisations do both.

If you have concerns about pressure being applied to you by a Government department or statutory funder because of your campaigning activity you need to consider using the Compact which has been agreed between Government and the sector, at both national and local levels, to protect voluntary organisations in these circumstances. For more information contact the Compact Advocacy programme at NCVO.

Prince's Trust

The Prince's Trust engaged in a fundraising lunch with Women2Win, a Conservative Party group dedicated to getting more women into parliament, and then split the proceeds. The Charity Commission ruled that this "risked its reputation and independence" by appearing to support a political party.

²The State and the Voluntary Sector Recent trends in government funding and public service delivery NCVO (2009), section 12, figure 21

The future

The continued disenchantment of the public with traditional politics, with many people having a portfolio of interests rather than allegiance to one political party, is going to continue to fuel activism and engagement with the sector. With the growth in consumer activism and social networking the willingness to get involved in civic action is going to increase.

Government's encouragement of the voluntary sector's civic role together with its contribution to service provision looks set to continue and possibly expand further. The sector's unique connection to those we work with means that we will become ever more central to the concerns of government, policy makers and business in times of social upheaval. Some of the challenges faced by Government from child poverty to global warming to mean that the sector will continue to be key in raising issues and promoting sustainable solutions.

However, the terms of engagement with Government and civil society will come under increasing scrutiny and pressure where resources are scarce and more is expected for less. This is going to ensure that the traditional virtues of campaigning are going to be very much to the fore. Trustees need to ensure that their organisations are well positioned for the future with the right level of expertise and advice to ensure that they have the capacity to respond to these challenges. Whatever your size, purpose and ambitions the potential of campaigning to leverage small resources into major social change means that trustees should always consider campaigning as a potential avenue of activity for their organisation in seeking to achieve its mission.

Following the election the advent of coalition government will make life both easier and more complex for campaigners and trustees. For the moment, gone are the days of having two opposition parties to brief, what one doesn't like the other easily might. We now only have the coalition and Labour as UK-wide parties within parliament, leaving less scope for working across a plurality of different political views but easier to focus effort and firepower. Backbench MPs in the coalition may become far more important as the key route to ministers from both parties revert more to their role as the internal "opposition" providing access and a voice inside parliament.

There may also be the chance for a more subtle approach as departments take on slightly different hues, shading between blue or orange. Government may therefore internalise debates inside the coalition that before would have been between different political parties. Even more reason therefore to ensure that these debates are fully scrutinised by those they will impact on but perhaps more complex to do.

It is also important to recognise that while the Government is now a coalition the parties remain separate and this will make it less clear at what point you are talking to Government and what point to a political party. But the underlying principles will remain the same and preserving the independence of your organisation is key.

In this new environment trustees will need to ensure that they maintain their independence between parties in what could become a more polarised and less plural mix, at least at national level, for the period of the coalition. The principles of good campaigning remain the same however complex the circumstances and by following the advice here you will continue to be able to campaign and change the world for those you serve.

Further reading

Campaigning Effectiveness, NCVO have a range of resources to support you influencing policy and campaigning for change. Many of these are free and you can view them by level of detail or theme here <http://www.ncvo-vol.org.uk/campaigning-resources>

The Good Guide to Campaigning and Influencing which builds on this guide will be available from Autumn 2010.

For more resources for trustees see <http://www.ncvo-vol.org.uk/governanceandleadership>

For more on strategy and impact see <http://www.ncvo-vol.org.uk/strategy-impact>

For more on the Compact Advocacy Programme at NCVO see <http://www.ncvo-vol.org.uk/compactadvocacy> or call on 020 7520 3161 or email evsadvise@ncvo-vol.org.uk

Legislation

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

The most relevant legislation in respect of this guide are;

- The Communications Act 2003
- Local Government Act, 1986
- Political Parties, Elections and Referendums Act, 2000
- Representation of the People Acts, 1993, 1985 and 2000
- Serious Organised Crime and Police Act 2005

Further Sources of Advice

The Charity Commission
www.charitycommission.gov.uk

The Compact Commission
www.thecompact.org

The Electoral Commission
www.electoral-commission.gov.uk

The Advertising Standards Authority
www.asa.org.uk

The Local Government Association
www.lga.gov.uk

About the author

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About Campaigning Effectiveness, NCVO

Campaigning Effectiveness, NCVO supports and empowers people and organisations to change their world through campaigning and influencing policy. We bring together experience and expertise and drive excellence in campaigning and policy work across civil society by providing support, knowledge, tools and resources. For further information about our work go to www.ncvo-vol.org.uk/campaigningeffectiveness

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Well done – this guide condenses such a vast subject into something so succinct, readable and useful

Miranda Lewis
Advocacy Associates

I would encourage all Trustees to read this accessible guide which demystifies the law and gives helpful examples. Written by a long in the tooth campaigner whose wisdom and hands – on experience shines through. After reading this, not only will you stay the right side of the law but you will also have fun. The guide inspires you to campaign and gives you the confidence and tools to deliver maximum impact.

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