



## Public Relations Consultants Association (PRCA) Charity and Not-For-Profit Group additional information following Hodgson Review survey

### Introduction

- + The PRCA is the UK professional body representing the public relations, public affairs and communications industry. Our membership includes consultancies (including around 75% of the “PR Week Top 150”), in-house teams (including banks, charities and the entire Government Communications Service) and also individual practitioners. We represent around 350 consultancies and 250 in-house teams.
- + The PRCA Charity and Not-For-Profit group supports PRCA members working in-house and in agencies for a wide range of charities, voluntary sector organisations, NGOs, not-for-profit groups and social enterprises. As part of its role, it represents the interests of PRCA members working in the sector.

### Background

- + The PRCA has previously described the Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 as legislation that “will not stand the test of time.”<sup>1</sup>
- + On Part 2 of the Act (covering non-party campaigning), we focussed on calling for clear guidance to be issued to members and campaigners to ensure charities (and other organisations) could continue to campaign while still adhering to the law.
- + In August 2014, the PRCA warned:<sup>2</sup>
  - “It’s of huge concern to in-house teams, agencies and freelancers alike that with just weeks to go before non-party campaigner regulations coming into force, there are still fundamental questions that remain unanswered about the impact of the Lobbying Act.
  - “The concerns the PRCA’s members have raised range from fundamental questions about what is covered, to the extent to which spending limits apply to staff or volunteer activity, and into the detail of how any spending should be reported.
  - “While the general advice to PRs is to keep calm and keep campaigning, the industry needs to be aware that the Lobbying Act does not just have an impact on lobbyists.
  - “All PRs need to ensure they will not fall foul of these highly complex and bureaucratic regulations.”
- + It’s clear however, that our efforts were not adequately addressed and the sector was severely limited by the implications of the Act.

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<sup>1</sup> [http://www.huffingtonpost.co.uk/francis-ingham/lobbying-act-will-not-stand-test-of-time\\_b\\_4702116.html](http://www.huffingtonpost.co.uk/francis-ingham/lobbying-act-will-not-stand-test-of-time_b_4702116.html)

<sup>2</sup> <http://news.prca.org.uk/prca-calls-for-clarity-on-fundamental-questions-about-impact-of-lobbying-act-on-charity-campaigns/>

#### Time and money spent on compliance

Such is the confusion around the guidance and the huge levels of red tape involved in reporting spend, on the cost of compliance could outweigh that of campaigning.

Some organisations report bills for lawyers and accountants running into the tens of thousands. Given that for some organisations campaigning is vital in meeting their charitable objectives, this has amounted to a punitive extra tax on campaigners.

#### Volunteers stymied by the Act

In many instances, volunteers felt threatened by the Act and repercussions it may bring on them and the charity they support. This had the effect of, essentially, silencing volunteers and smaller charities.

#### The quality of guidance

The work of the Electoral Commission was often confused and unclear. The only time definitive rulings appeared to be given was when specific test cases were provided as examples. Even then, the information from the Commission was contradictory (with itself or even with wider charity law) or confusing.

For example, when the Electoral Commission was challenged on whether signing a letter to the national press in support of a political party was covered, it replied saying this was not regulated. However, in subsequent correspondence, it stated that while activity appearing in the media was not covered, staging a press event was – as would social media activity promoting the letter.<sup>3</sup>

More than any other, this example shows a fundamental misunderstanding of how modern communications works.

#### Wider threats to freedom of speech

In addition, we are concerned that the Lobbying Act is the thin end of the wedge.

We would reject any further attempts to weaken the ability of charities to campaign. This has been mooted via a review of Charity Commission guidance CC9.

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<sup>3</sup> <http://ramblingsofapr.com/2015/04/30/charities-unleash-your-press-officers/>



## Proposed solutions we believe the Hodgson Review needs to recommend

### Reduced regulation period

The overburden of bureaucracy and the threat to freedom of speech could be partly alleviated if the regulated period for each election was reduced to three or four months.

### Reduced red tape

In addition to shortening the regulated period, the level of reporting could be generalised rather than requiring specifics. Examples given to the PRCA suggest that team members of organisations that registered spent hours counting individual social media posts to see if they were required to be counted – a clear overburden of bureaucracy.

### Improved guidance

The guidance needs a fundamental overhaul if it is to be fit for purpose.

Increased funding should also be made available to promote the guidance and a communications campaign run to make volunteers aware they are not regulated (and indeed, this last point should be clarified more explicitly).

The Electoral Commission needs to invest in staff with experience of campaigning and running charities. It also needs to create wider (and more lengthy periods) for consultation with campaigners about what guidance would be useful, remembering that any guidance issued will raise further questions.

However, the Electoral Commission should be at pains to ensure its guidance is easy to understand and doesn't create a lawyers charter where only those with specialist knowledge can interpret the regulations.

The Charity Commission and the Electoral Commission also need to work more closely to ensure each organisation's guidance does not contradict the others.

Guidance should also focus on clarifying what can be done, rather than talking vague general principles – which when tested are often found wanting (see above re media relations).

The Electoral Commission should do more to communicate with private sector organisations that they too are covered by this part of Act. There was little or no communication (that we are aware of) to private sector organisations to discuss the implications of the Act.

### Increase spending limit

In some cases the complexity of registration / reporting prevented organisations from engaging in local activity.

More should be done to explain to smaller charities that they are unlikely to be covered – and an increase in spending limits would assist in this. This would help the issue of volunteers being cowed by the Act.



At the very least, spending limits will need to be increased by inflation.

The regulations also meant that pro-bono support offered to campaigns would have to be declared, which prevented our agency members from supporting causes they would ordinarily have offered free advice and time to. We would call for any reform of the Act to explicitly exclude volunteer and pro-bono time from any notion of regulation.

A public commitment from the government that it will not make any further attempts to harm campaigners' freedom of speech

Charities need to be reassured that the aim of the Act and government policy is not to stifle their freedom of speech. The UK needs to recover moral leadership on this issue and protect the vital work charities do in campaigning on a range of issues which find favour across the country and across the political spectrum.

We would welcome the opportunity to discuss our response further – or provide specific responses on individual questions you may wish to consider. We have already completed your online survey.

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