

# Compliance Toolkit

## Protecting Charities from Harm

**Chapter 5: Protecting Charities from abuse for extremist purposes and managing the risks at events and in activities – guidance for trustees**

**Summary**



## The Charity Commission

The Charity Commission is the independent regulator of charities in England and Wales. Its aim is to provide the best possible regulation of charities in England and Wales in order to increase charities' effectiveness and public confidence and trust. Most charities must register with the Commission, although some special types of charity do not have to register. There are over 160,000 registered charities in England and Wales. In Scotland the framework is different, and the Commission does not regulate Scottish charities.

The Commission provides a wide range of advice and guidance to charities and their trustees, and can often help with problems. Registered charities with an annual income over £10,000 and all Charitable Incorporated Organisations must provide annual information to the Commission. The Commission has wide powers to intervene in the affairs of a charity where things have gone wrong.

## Summary

Charities, by the nature of their work and the issues they deal with, will raise issues which some people find emotive or which may be controversial. They are often innovative and can challenge traditional boundaries. Many charities further their charitable purposes by arranging events and meetings involving speakers, and by distributing literature and other educational materials. In most cases, this causes no problems.

However, there have been occasions when terrorists, and those with extremist views who encourage and support terrorism and terrorist ideology, have used charity events to make those views known or have used charities to promote or distribute their literature.

Charity trustees and managers need to be aware of, and actively manage, activities which give rise to the risks that speakers or literature may:

- break the law, by (for example)
  - encouraging or glorifying terrorism
  - inciting racial or religious hatred
  - inciting criminal acts or public order offences
- be outside of the charity's objects
- put the charity's reputation or other assets at risk
- be otherwise inappropriate under charity law, because, for example, it breaches charity law rules on carrying out political activities or not be for the public benefit

## What are trustees' duties and responsibilities?

Charities and their trustees must comply with the general law. This means they must not promote or support extremist views or activity that promotes terrorism or terrorist ideology through the charities' work.

As part of their charity law duties, trustees must always act in the best interests of their charity. They must act reasonably and prudently and they must ensure that the charity's funds, assets and reputation are not placed at undue risk, and that it is complying with the wider legal framework. They must not engage in activities which would lead a reasonable member of the public to conclude the charity supports terrorism.

A charity's activities can only be in pursuit of lawful charitable purposes. Concerns about a charity involved in promoting, supporting or giving a platform to inappropriate radical and extremist views, would call into question whether what it was doing was lawful under both the criminal law and charity law. Those views might include encouraging violence, encouraging people to adopt a violent ideology or making claims to which violence is subsequently presented as the only solution.

It can also raise the question as to whether the charity is operating in furtherance of charitable purposes and in a way which is for the public benefit. Trustees must also ensure they comply with the charity law rules on political campaigning.

Deciding to carry out or knowingly supporting any activities that would be criminal, illegal, or otherwise improper for a charity would amount to misconduct on the part of the trustees. If trustees allowed a breach to occur during the course of carrying out their role, then aside from any possible criminal investigation on terrorism issues, this is likely to amount to misconduct in the administration of the charity.

## What do trustees need to do?

The risks vary from charity to charity. The higher the risks the more needs to be done. Trustees need to be vigilant and should put in appropriate measures in place, such as to:

- assess the risks in connection with the proposed event, meeting or publication, including those undertaken by partner organisations
- ensure they know enough about proposed speakers and close partners
- be clear about how speakers, partners, sponsors and publications are selected and approved
- provide clear guidelines for speakers, authors, translators and editors
- take steps to ensure proposed partner organisations and speakers are suitable and are not listed by HM Treasury as designated persons or entities subject to financial sanctions because they are linked to terrorism
- properly manage charity events to prevent inappropriate activities taking place and, if those steps do not work, to deal with them promptly
- satisfy themselves that literature distributed by or made available by the charity does not break the law, is consistent with its charitable purposes and does not place the charity or its assets at undue risk of harm
- take steps to prevent the charity's activities and views from being misinterpreted
- set procedures for responding to complaints and concerns

Where a charity carries out events or provides or promotes literature on a regular basis, trustees should have written policies and clear procedures in place covering these issues.

Where a charity's activities may, or appear to support, condone or encourage terrorist activity and terrorist ideology, the Commission expects the charity's trustees to take immediate steps to deal with this.

What steps will be required will depend on the circumstances, but may include some of the following:

- ceasing the activities immediately; for example, withdrawing further copies of literature
- if a speaker or literature content gives the impression that the charity supports or condones terrorist activity or violence, making clear these are not the charity's views and that it does not condone or support these views
- not using the speaker again
- not promoting literature by that author again
- if the individual speaker or author is a trustee, member of the charity's staff or agent, considering whether further internal action is required or may be appropriate

We expect any person connected with a charity, whether a trustee, employee, volunteer, or beneficiary, to deal responsibly with concerns of the charity's possible links with extremist activity.

[For more detailed advice and guidance, see the full publication](#)

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