

Mr Graham Allen MP
Chair
Political and Constitutional Reform Select Committee
House of Commons
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By email

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Dear Mr Allen

**Transparency of Lobbying, Non-party Campaigning and
Trade Union Administration Bill**

I am writing on behalf of the National Federation of Women's Institutes (NFWI) to set out our serious concerns regarding the impact that the government's bill to introduce greater transparency into the lobbying process will have on the charitable sector.

The NFWI is the largest women's organisation in the UK with some 212,000 members in 6,500 Women's Institutes across England, Wales and the Islands. The NFWI is an educational, social, non-party political and non-sectarian organisation with a long history of campaigning with WI members on a diverse range of issues. The first NFWI mandate was passed in 1918, and since then the organisation has accumulated a wide-ranging portfolio of policy concerns. The NFWI resolution process means that local members play a central role in defining policy and bringing issues onto the organisation's national agenda; informing engagement with parliamentarians and elected representatives from across the political spectrum.

The NFWI recognises that lobbying activity must be regulated effectively in order to raise ethical standards and ensure accountability, however we have particular concerns regarding the second part of the bill and its potentially grave implications for the NFWI's representation of members' concerns and our mission to encourage the participation of WI members in public debate.

Activities 'for election purposes'

The bill proposes a wider range of activities will be regulated if they are carried out 'for election purposes' than presently required by the Political Parties, Elections and Referendums Act 2000. The broadening of the range of material included under the term, 'for election purposes' means staff time, media work and events undertaken as part of general campaigns and advocacy work could all be subject to regulation. The NFWI is concerned about the bureaucratic burden that would follow with the proposed widening of the list of activities that are included in spending thresholds. It is unclear why third parties should be placed under greater restrictions than political parties.

The NFWI frequently undertakes campaigns activities with the intention of raising awareness of different issues amongst members and the wider public. Given that the bill will introduce

consideration of the *effect* of any campaigns activities, in addition to the intent, we believe that as the proposed legislation stands, many of the NFWI's legitimate daily activities, engaging in public policy debates for non-political purposes, could be restricted. Regulation in this area must be delivered within a clear framework yet the proposals risk diluting the clarity of the current framework. The NFWI fears that the result would be to hinder our educational work and stifle our ability to encourage members to participate in public policy debates on a broad range of issues.

For example, the NFWI resolution process enables WI members to place a wide range of policy issues onto the agenda of the national organisation as resolutions for debate and potential campaigning, if they are successfully selected by members as NFWI mandates. The process means that the organisation regularly advocates and opposes policy positions on a broad range of issues - many of the mandates are subjects of party election manifestos. Thus legitimate NFWI comment on policy in a range of areas could well leave the organisation exposed to scrutiny for seemingly promoting a political party or candidate.

Expenditure thresholds and reporting requirements

The bill proposes that the threshold of third party expenditure before registration with the Electoral Commission is required is lowered significantly. This change would have the effect of capturing a much wider range of organisations, such as the NFWI, with relatively small campaigns budgets. While the NFWI recognises that regulation of third party campaigning is important, the fact that expenditure is calculated over the course of a year means there is a risk that some organisations would have to dramatically reduce activities in the run up to an election in order to avoid meeting threshold limits and the accompanying reporting burdens.

For example, in June 2012 80,000 WI members participated in resolution selection over a ten month period that eventually saw delegates at the AGM pass a mandate regarding gaps in the maternity workforce. Two full time employees spent a significant proportion of the year that followed undertaking research examining women's experiences of maternity services. This informed a research report and the development of campaign material for members to assist discussion of the report with parliamentarians and other decision-makers. The staff are frequently called on to respond to media requests for comment on the report findings. It is not unreasonable to expect NHS workforce issues to be an issue for debate in the next election. We expect that this work will remain a priority campaign area for the NFWI, yet it is not clear to us, if we imagine that we were now in the 12 month period ahead of a General Election, what proportion of staff time would qualify as for election purposes and contribute to the expenditure threshold.

On a practical level it could well be tricky to accurately predict if campaigns activities would fall into an election period; this would have a detrimental impact on the NFWI's ability to plan work.

Furthermore, the proposals would unduly increase administrative burdens. The lower threshold combined with the requirement for charities to account for the aggregate expenditure of any coalitions would have a detrimental impact with the additional administrative and reporting burden that would be required to ensure compliance. The NFWI is a member of a number of coalitions, some involving a wide range of civic society groups, campaigning organisations and charities of all sizes. It is difficult to see the value in requiring every organisation, regardless of the sum it contributes, to report individually.

The bill also provides what appear to be onerous and unnecessary burdens on local pre-election activity for federated organisations such as the NFWI. Government ministers have repeatedly

stressed that the intention of the bill is not to deter charitable organisations from campaigns related work. However the advice from the Electoral Commission suggests that this could be the case and could subsequently be challenged in the courts. We are concerned as the Electoral Commission, who will be in charge of regulating this, has said of the bill “...the Bill creates significant regulatory uncertainty for large and small organisations that campaign on, **or even discuss**, public policy issues in the year before the next general election, and imposes significant new burdens on such organisations...” (emphasis added). Lack of clarity in this area is of particular concern given our extensive local network of 69 regional federations and 6,500 individual WIs.

Despite government assurances that the intention of the bill is not to deter democratic participation by capturing charitable organisations such as the NFWI, in its present incarnation we, along with a range of other charities and non-governmental organisations, fail to see how this would be the case. In sum the NFWI has serious concerns about the potential for this legislation to impact the ability of organisations like ours to stimulate debate on matters of public concern.

Regrettably, the short time frame proposed for the bill and the lack of public consultation means there has been little opportunity for us to fully assess the implications of the bill.

Yours sincerely

A handwritten signature in cursive script that reads "Jana Osborne".

Jana Osborne
General Secretary