

Scope's written evidence response to the Commission on Civil Society and Democratic Engagement

September 2013

About Scope

Scope delivers a range of social care, education and employment services. As well as being a service provider, a crucial aspect of Scope's work is public campaigning on matters of local and national importance to disabled people. This work is vital in contributing to our charitable objective of improving the lives of disabled people and their families.

Scope has a wealth of experience and expertise that is often used to inform political debate and Government policy. Ensuring that the voice of disabled people is heard and influences the policy process is fundamental to our work.

Summary of our submission

Our ability to speak out on issues which affect disabled people and participate in the policy process is inherent to the pursuit of our charity objectives.

We are extremely concerned that the consequence of the introduction of the proposed measures for regulating non-party campaigning will be to diminish the participation of voluntary sector organisation such as Scope in the democratic process and threatens our ability to represent disabled people.

We are particularly concerned about the following points:

- **Principles for regulating non-party campaigning**

Scope recognises that there is a legitimate aim in regulating non-party campaigning. However, we believe that the principles upon which regulation of third-party campaigning should be based on need to reflect the restrictions and limitations already imposed on charities under charity law regulated by the Charity Commission.

Charity law has for a very long time provided a framework which prevents charities from supporting specific candidates or parties in their activities or undertaking party political campaigning. We are under an obligation to follow the Charity Commission's guidance on campaigning and political activity. We believe the Government has failed to make the case for why more regulation is needed and would seriously question whether the proposed measures within this Bill can be considered to be proportionate over and above those that already exist under both charity law and electoral law.

- **Lack of clarity about what activities will be regulated**

We share the widespread concerns expressed about the lack of clarity about the practical effects of the provisions in the Bill. If enacted in its current form, the ambiguity that this legislation creates makes it virtually impossible for us as an organisation to determine whether or not activities during an election period could be argued to fall within the scope of the new regulatory framework.

We are concerned that there is a significant risk that legitimate day to day activity we carry out engaging in public policy debate could be restricted in the year preceding an election as it would be deemed to be 'for election purposes'. As the proposed definition does not rely only on the intent of the third party, this risks that legitimate campaigning work would be captured even if the activity was carried out for other purposes.

This means that should our campaigning activities, intended to advance the interests of disabled people and their families, be construed as being 'for election purposes', they would fall into the remit of the regulation. This would be the case even if our work does not refer to specific policies or candidates.

Any comment on public policy that Scope may make in the run up to an election could be construed as impacting on how the electorate may view the policies of a particular party. This would restrict our ability to promote new policy solutions to Government as well as publically highlight the impact of certain policies on the lives of disabled people and their families.

- **Increased range of regulated activities**

We believe that it would be perverse to reduce the spending limits and registration threshold in light of the increased number of regulated activities. We believe that if the scope of non-party campaigning activity that is regulated is to be widened in any way, the spending limits ought to be carefully reviewed with this in mind.

The Government has shown no consideration to the fact that that the lower expenditure limits will potentially be applied to a wider list of regulated activities. When combined with the substantial reduction in maximum spending limits, the proposed changes to what activity will be regulated could inhibit legitimate campaigning activities to the detriment of the democratic process. It would be in any way extremely difficult to make such a determination without further clarity as to what activity is regulated, however as the Bill stands, it is very likely that the proposed limits will prove to be very constraining.

The inclusion of staff costs and other items makes the new requirements excessively restrictive. It would be disproportionate to expect charities to comply with this requirement, especially considering that political parties' staff costs related to campaigning are explicitly excluded from the definition of campaign spending.

For further information about our response, please contact:

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