



Commission on Civil Society and Democratic Engagement

Consultation Response

Democracy Matters is an informal alliance of organisations in education and civil society. We promote learning for democracy, citizenship, participation and practical politics so that anyone can learn how the system works, who to influence and how to campaign effectively.

This response is based on our aims and does not necessarily reflect the views of each member, some of whom will respond in their own right.

Preface

It is remarkable that a Government that aspires to remove red tape wants to entangle charities and community organisations in a web of registration, regulation and accounting requirements. Far from curbing the ability of civil society to organise and lobby, the government should encourage them to take part in democratic politics and mobilise people round issues they care about.

Trust in government and the democratic process has fallen over many years. People feel they have no power to influence decisions. Most people are simply not aware of government decisions likely to affect them which means that policy and legislation is influenced by the minority who are able to employ lobbyists or who belong to pressure groups which campaign on their behalf. This means that many areas of public policy and legislation do not get little input from large sections of the public and government is less effective as a result. Civil society organisations, charities and NGOs are one of the ways in which people can have a more effective say and redress the balance.

Rather than curb the ability of NGOs to organise and lobby, the Government should promote “**equality of influence**” so that everyone can have a more effective voice in shaping the public policy agenda.

To promote equality of influence the Government should encourage education institutions, community organisations and charities to provide practical political education and support for lobbying for sections of the community which are not politically engaged, such as areas identified by the [Demos “Power Index”](#).

Question 1: Do you agree with the Government that there is a perception of ‘undue influence’ by third parties during election periods? Can you name examples of when you have seen this happen in previous elections?

The second greatest undue influence is by newspapers which seek to represent their readers’ views, campaign on their behalf and influence both the public and

politicians. The current campaign by the Express and Mail to restrict migration from Eastern Europe is a prime example of this, but there are legion.

Another example of third party influence was the No Campaign during the Alternative Vote referendum.

I do not agree with either of these campaigns nor the way in which they are conducted, but they are a legitimate part of a healthy democracy. The role of the press in influencing politics during elections and otherwise raises important questions about media ownership, ethics and accountability, but curbing press freedoms is not a solution to their undue influence.

The greatest undue influence by third parties is the corporate lobbying which influences policies of political parties and Government which ought to be addressed by this Bill.

Question 2: Where do you think the line between issue focussed campaigning and campaigning for the electoral success of a party or candidate should fall? Can you name examples? E.g. Should a document setting out what parties or candidates think about a policy issue - but not calling for the electorate to vote for a party or candidate - be caught by regulation?

This is a very difficult and perhaps impossible issue to catch by regulation. In general, it is bad tactics for NGOs to associate themselves too closely with any political party. It is much more important that NGOs and lobbying are both transparent, so that the public can see who is involved, their sources of funding and links with other organisations. However, NGO campaigns should be clearly independent of a political party and not a proxy or front organisation for back-door party campaign funding, so it may be worth trying to find a form of words that captures this.

Question 3: Which campaigning activities do you think should be regulated? Which do you think should not be regulated? E.g. Do you think staffing costs or opinion polls should be subject to regulation?

Regulation should cover:

- *lobbying by all third parties of all public bodies, including executive agencies, quangos, health service bodies, local government and devolved parliaments, so that the public can see who is meeting whom about what*
- *transparency of funding, staffing and governance of all organisations engaged in lobbying*

Costs and activities should not be regulated but open to public view, for the same reason as debates in Parliament are open.

Question 4: How do you think appropriate thresholds for registration should be judged? What threshold do you think is appropriate? For info, the Government is currently proposing changing the threshold from £10,000 to £5,000 in England, and from £5,000 to £2,000 in Scotland, Wales and Northern Ireland.

The threshold should be raised to recognise the positive contribution NGOs make to democratic engagement and the political process. A low funding threshold also creates unnecessary red tape and anxieties among NGOs about getting involved in lobbying at all. For example, in the run-up to the 1997 election I coordinated an informal group lobbying for education and support for parents as a child's first educator. The group brought together representatives from many different organisations, many of which also had their own campaigns on issues such as childcare. If the lobbying bill was in place it is quite likely that charities would be wary of being involved in more than one campaign or a coalition, in case they inadvertently crossed the threshold or exceeded the spending limit. Opponents of childcare could then use this as a way of intimidating organisations from getting involved in any kind of lobbying or campaign. This occurred during the Alternative Vote referendum campaign when the No Campaign used complaints to the Charity Commission and Freedom of Information requests to stop organisations from taking part in the campaign. Our political system would be much poorer as a result of NGOs withdrawing from public debate about political issues relevant to their mission.

Question 5: How do you think the spending limit for non-party campaigning should be judged? Should there be a limit? What if any cap should there be? E.g. The previous limit was 5% of the political party spending limit. Do you think a proportion of political party limits is an appropriate way to decide? What other ways might there be of deciding?

The main test should not be a financial limit but criteria to prevent NGO lobbying from being an alternative route for party political activity. This should take into account that for some issues the parties may take sides on an issue that is central to the purpose of the charity so that one party is clearly more in line with their mission than another. In this case the criteria should be based on the fact that the charity has an established record of working in the area and their campaigning is clearly in line with their mission and the Charity Commission Guidelines and is not a front for party political activity.

Question 6: Do you think non-party campaigning in coalition should be restricted? How do you think non-party campaigners working in coalitions should be regulated?

No. They do not need additional regulation to the Charity Commission Guidelines and the requirement to be open and transparent about sources of funding, staffing and accountability. It should also be made clear that if charities work together on one issue they do not necessarily agree on everything that other organisation in the same coalition stand for.

Question 7: Do you think that non-party campaigning organisations should be limited on what they can spend in a single constituency? Do you think accounting for spending in individual constituencies is workable?

This is neither workable nor desirable.

Question 8: Do you think that the devolved nations should have different registration thresholds and spending limits to England? How should these be set / determined?

NB please specify whether your organisation campaigns in any or all of the devolved nations

We have not actively campaigned in the devolved nations and do not feel qualified to comment.

Question 9: What should the reporting requirements for non-party campaigners be? Where should the balance between transparency and bureaucracy fall?

The reporting requirements of the Charity commission are sufficient. Organisations or campaigns above a certain size (the current level of £10,000 is about right) need to show the sources and use of their funds.

Question 10: How long should the regulated period for non-party campaigning be? How should the length of this period be arrived at?

There should be no regulated period. This is a democracy in which people should be able to organise to influence government, stand for election and hold those in power to account.

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