

When someone complains your charity is 'extreme'

WHAT YOU CAN DO

It can be a great shock when your charity first receives a complaint letter from the Charity Commission.

Someone has asked the Commission to look into an action you have taken or something you have said.

Particularly in the early days, The Christian Institute regularly had complaints to the charity regulator. Drafting a reply was time-consuming. Every letter was duly answered, but it became clear that opposition to the Christian faith was the one thing all the complainants had in common.

This came home to me forcefully in 2006 when a colleague stumbled across website comments written by a Mr Stephen Wilson, a Charity Commission caseworker and pagan activist.

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CHARITY COMMISSION
FOR ENGLAND AND WALES



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Mr Wilson offered advice on how to complain to the Commission against a particular evangelical Christian charity. He suggested methods for wasting the charity's resources by inundating it with fake requests for help. He also joked about burning down evangelical churches because of their views on homosexuality. He copied information from the Charity Commission's database and disseminated it online. He hinted that he had discussed matters with colleagues at the Commission and that his advice for how to complain about this particular charity was based on their responses.

After the Commission carried out an investigation, Mr Wilson

resigned from his job. But it all shows that there are some people who use complaints to the Commission as a campaign tactic.

Jesus said of his followers that people would "falsely say all kinds of evil against you because of me" (Matthew 5:11). So we should not be surprised that false allegations are made against Christian charities.

That said, we must make sure there are no legitimate grounds for complaint. Christian charities must be above reproach in the way they handle donations and conduct themselves. Sadly, this hasn't always been true. Christian charities must be well-run. That is absolutely essential.

But even good charities have no immunity from unfair criticism. If this occurs, we need to be robust

enough not to be silenced.

In recent years wildly exaggerated allegations of 'extremism' have been bandied about when all that is happening is mere disagreement and the exercise of free speech. It is encouraging that some public bodies, like the Charity Commission, are beginning to see through this problem of false allegations.

This short briefing highlights new guidance from the Commission that shows Christian charities have every reason to be confident in their freedom to proclaim their beliefs.

**Colin Hart,
Director**



New extremism guidance

At times, the Charity Commission's approach has been unhelpful. The Christian Institute has fought several battles over the Commission's understanding of public benefit, to ensure that this didn't give a weapon to opponents of biblical truth. However, guidance issued by the Commission in November 2018 on extremism places a very encouraging emphasis on the importance of free speech.¹

The Commission recognises in the guidance that being controversial is not necessarily a bad thing. It acknowledges that historically charities have contributed greatly to social reform by promoting the very ideas that others have found controversial.

We've been saying this for over 25 years. Throughout history, people who challenged the prevailing thinking of the day have been regarded with suspicion, even branded 'extremists'. William Wilberforce, Lord Shaftesbury, John Bunyan, John Wesley – they were all once seen as threats to 'modern society'. It's excellent that the Commission has taken on board this point.

FREE SPEECH

The new guidance is at its best when it strongly underlines the importance of freedom of expression. In the previous version of the document, free speech felt like a heavily qualified bolt-on. Now it is central, and transforms the tone.

The Commission makes it clear that guarding against extremism does not prevent a charity promoting views that others find offensive. It also points out the "long and successful history of trustees and their charities being in the forefront of social change and promoting ideas that, at the time, were unpopular or controversial".²

The guidance actually points out that charities could compromise their reputation if they take a decision that inhibits lawful free speech. This emphasis should embolden Christians to proclaim biblical truth without fear of reproach – even on controversial subjects.



Quotes upholding free speech 

LIMITS TO FREE SPEECH

“...this guidance recognises the starting principle of free speech.” (Section 1)

“Some views may not be the norm or traditional. They may even offend, shock or disturb others. That does not mean they cannot be promoted or supported by a charity.” (Section 5.1)

“Everyone has the right to freedom of expression under British law. This is true even where such views or opinions may offend, shock or disturb others. In the vast majority of circumstances, it should be possible for speech to go ahead.” (Section 5.2)

“Provided speech is legal, the right to speak freely includes saying things which may offend, shock or disturb others.” (Section 8.1)

“As recognised internationally, freedom of expression is a key human right. Provided speech is legal, the right to speak freely includes saying things which may offend, shock or disturb others.” (Section 8.2)

“...where speech is lawful, you should consider the risk of damage to your charity’s reputation that could be caused by inhibiting free speech. This could include a detrimental impact towards your charity’s independence or credibility.” (Section 10.2)

“For some charities, enabling debate and discussion of controversial issues may even be integral to their charitable purposes. This guidance should not be used, and is not intended ever to be used, to prohibit those with lawful, albeit unpopular, views.” (Section 10.5)

“Some views may not be the norm or traditional and may even offend, shock or disturb others. That does not necessarily mean they cannot be promoted, supported or hosted by a charity.” (Section 10.6)

“There is a long and successful history of trustees and their charities being in the forefront of social change and promoting ideas that, at the time, were unpopular or controversial. This guidance should not be used, and is not intended ever to be used, to prohibit those with lawful, albeit unpopular, views.” (Section 10.14)

Of course, the guidance also makes it clear that freedom of expression is not absolute. For example, the guidance says charities must not promote views that “denigrate those of a particular faith, race or sexual orientation”³ or “harass, or incite violence or hatred against other persons and groups”.⁴

But the free speech qualifications within the guidance make it clear that there is great freedom for biblically-informed viewpoints on all subjects to be expressed. A Christian approach would not denigrate or incite hatred against people made in the image of God, even if disagreeing strongly with their beliefs or lifestyles. Anything that glorifies or encourages terrorism also falls outside the boundary of free speech, but this is not something any Christian would want to do or defend.

What does ‘denigrate’ cover?

The ambiguous term ‘denigrate’ is used three times in the guidance. Dictionary definitions include terms like “unfairly criticise” and “disparage”. This could be seen as setting a low bar that puts free speech at risk. That said, the guidance repeatedly emphasises that free speech includes statements that might offend or shock others. This suggests that ‘denigrate’ should be interpreted as referring to serious abuse.

On two occasions the term is clearly about denigrating *people*: section 2 refers to not promoting “views that denigrate *those* of a particular faith, race or sexual orientation”; section 5.2 warns against “denigrating *those* of a particular faith or no faith” [emphasis added]. This is unlikely to be a problem, as a Christian approach will always respect people as God’s image bearers.

The third use, in section 10.3, is in the context of managing risks. The guidance suggests providing speakers with a written briefing, which could include requiring that they “be careful not to be unnecessarily divisive or denigrate *faiths*, racial or other groups” [emphasis added]. This does not just deal with people, but with beliefs – an important distinction. Christians respect all people but cannot respect all beliefs, because those contrary to the Bible are false. However, the guidance is not laying down hard and fast rules at this point. It is asking a charity to carry out its own assessment of risk. And it has to be understood in the light of the emphasis on free speech in the guidance as a whole.

There is nothing in the use of the word ‘denigrate’ in the guidance that should prevent a Christian charity promoting biblical beliefs.

THE CHARITY COMMISSION'S FOCUS

Trustees have a duty to manage a charity's resources responsibly and to ensure that assets, people, and reputation are not exposed to undue risk from becoming drawn into or involved in extremism. There is also the responsibility to prevent the promotion of 'extremist' ideas.

In the guidance the Commission "accepts that there is no universally accepted definition of a 'controversial' or 'extremist' view."⁵ This means the Commission will not focus on assessing the view expressed at a charity's event, for example. It will instead "review the extent to which you have discharged your trustee legal duties under charity law, considering the risks that are likely to arise and what steps can reasonably be taken to mitigate them".⁶

This simply means that charities need to show they have done their due diligence. The Commission expects trustees to carry out risk assessments and to take proportionate measures to guard against extremism. Charities should be prepared to provide evidence that appropriate policies and procedures are in place. This doesn't have to be onerous and is largely about common sense:

- ❖ If you are hosting an event with a visiting speaker, have you checked out that speaker's views? If you're having someone to speak who has expressed controversial views in the past, have you weighed this up? Have you thought about the potential implications for the event itself (e.g. protests outside) and the reputation and future work of your charity?⁷
- ❖ If you distribute literature or other materials that are controversial, are they factually accurate? Have you thought about how public trust and confidence in the charity might be affected?⁸

If you invite a high-profile controversial speaker to an event, you may receive a letter from the Charity Commission asking you about some of these issues. This might be prompted by complaints from those who take a different view. There is no reason to be alarmed by this if you have thought through the invitation. The Commission will just want to know that you have considered the risks.



STRIKING THE RIGHT BALANCE

The guidance stresses that charities "should be alert to, rather than averse to", the extremism risks that come with inviting speakers to participate in events or meetings.⁹ A measured and proportionate risk-based approach is to be taken, depending on how regularly a charity runs speaking events or distributes literature. In most instances, speeches or events can take place "unhindered or without detailed risk assessments".¹⁰

Obviously, trustees must always be clear about how an activity will further the charity's objects. If something is outside the charity's purposes then it should be dropped long before issues of risk and free speech have to be considered.

REFERENCES

- | | |
|---|--------------------|
| 1 Protecting charities from abuse for extremist purposes, Charity Commission for England and Wales, November 2018 | 3 Section 2 |
| 2 Section 10.14 | 4 Section 10.6 |
| | 5 Section 5.2 |
| | 6 Section 5.2 |
| | 7 See Section 10.3 |
| | 8 See Section 11.3 |
| | 9 Section 10.3 |
| | 10 Section 10.2 |

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