

Salt and Light Papers provide important information and analysis to help Christians and Churches to engage with 21st century social issues

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CHURCHES AND THE PUBLIC BENEFIT TEST

Over the last two years some churches have been anxious that their charitable status might be threatened as a result of the requirement in the Charities Act 2006 that all charities must show that they exist 'for the public benefit.'

The Charity Commission has helped to sow the seeds of doubt by making ambiguous public statements. One example of this was a statement by Dame Suzi Leather, chairman of the Commission, in July 2006. On that occasion she told the PASC that very few organisations were in danger of losing charitable status under the new requirements, and that 'the change in legislation actually changes very little.'

However, she then immediately undermined her previous reassurance by saying: 'The major change is that charities will have to think more consciously about what they are doing to provide public benefit.'

Why, it was understandably wondered, must charities 'think more consciously' if what they are doing now, consciously or not, is already charitable, and they are being assured that there are no additional hoops through which they need to go?

However, the doubts have now all but been dispelled by the publication on 15 January 2008 of the Commission's guidance on the 'public benefit requirement.' The guidance goes out of its way, as the following quotations (in italics) show, to try to allay fears that particular sections of the existing charitable sector are under threat.

'The Charity Commission's role in assessing public benefit is not about assessing whether a particular group of charities, or a section of the charitable sector as a whole, is for the public benefit. We consider each case on its own merits.'

The guidance also seeks to knock on the head the idea that only 'tangible' public benefit will count.

'Benefits to the public should be capable of being recognised, identified, defined or described, but that does not mean that they also have to be capable of being quantified or measured. For example, the benefits of... spiritual contemplation... can still be identified and experienced, even though not touched or seen and (it) cannot be quantified or measured.'

Under the guidance, charities whose aims may not be universally regarded as 'for the public benefit' will not have to take on additional activities which are more obviously for the public benefit in order to qualify for charitable status. In fact they won't be allowed to do so.

*'Benefits to the public that are not related to an organisation's aims **cannot** (my bold) be used as a way of demonstrating that the aims are for the public benefit. They are not therefore taken into account when assessing public benefit.'*

'It is not within the Charity Commission's remit to look into long-held religious beliefs, or to seek to modernise them.'

The Commission will much more take into account whether an organisation is actually fulfilling its stated aims, without making a judgement about those aims, other than to ascertain that they come within the general headings of a charitable purpose, such as 'the advancement of religion.'

'For example, it is not within the Charity Commission's remit to look into traditional, long-held religious beliefs, or to seek to modernise them.'

If these statements are applied in accordance with their plain meaning, then churches will have no difficulty in meeting the public benefit requirement. Providing an opportunity for people to attend a service of worship, and to listen to God's word being preached, is so fundamentally a charitable purpose, comprehensively fulfilling the core aims of an evangelical church, that it is hard to imagine how anyone could present an argument to the contrary.

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Salt and Light Papers is a series of occasional papers on contemporary issues of social concern. It is published online by the Affinity Social Issues Team. Its purpose is to help Christians to think through questions of relevance to our place in the world around us. The views expressed by contributors are not necessarily endorsed by the Affinity Social Issues Team.