

## Compliance with Charity Rules

Buglife and other charities are allowed to hold and publicise a position on the EU referendum as long as the Trustees are “satisfied that such activity is a proper way to support the delivery of the charity’s purposes and is in the best interests of the charity”. Having considered this carefully our Trustees are of the view that if the UK was to leave the EU then the conservation of invertebrates across the continent will be harmed and this would reduce our ability to meet our charitable objectives, including:

*‘The study, protection and preservation from extinction of natural invertebrate fauna by conserving them in the wild by such means as are available.’*

*‘To promote the permanent preservation and sound management for the benefit of the public generally of lands of ecological or other scientific importance with particular reference to invertebrate fauna.’*

Indeed, as the only organisation in Europe that is committed to the conservation of all invertebrates we are in an exceptional position and believe that it is important that we are open and transparent about our analysis, indeed doing so helps to fulfil our charitable objective ‘*To foster interest in governmental and voluntary bodies, educational establishments and the public generally in problems concerning the conservation of natural invertebrate fauna.*’

Recent [guidance](#) from the Charity Commission on work relating to the referendum encourages charities taking a position on the referendum to be fully transparent about any funding received from the EU. In 2015/16 Buglife received £17,200 from EU Life+ funds as part of a [partnership project](#) led by Scottish Natural Heritage covering [three practical wildlife projects](#). This is the first funding the charity has received from EU sources and it has not been a significant influence on our Brexit position. LIFE funding is strictly controlled and can only be used for the purposes for which it is contributed; in this case all the funds are spent on habitat management and site work and none on policy work (let alone on establishing a position on the EU referendum).

The provision of EU Life funding for wildlife conservation in the UK and elsewhere in the EU has been of [benefit to invertebrates](#), but we have not undertaken a detailed analysis of the current situation or considered in-depth the directly associated implications for invertebrate conservation in the UK, or elsewhere, from Brexit; although it seems likely that the funds available for wildlife conservation would be reduced if the UK left.

The UK referendum on EU membership and its likely implications for bugs were discussed at the Board meeting of 10 March 2016 and a subsequent paper was approved by the Trustees.

Here we set out the measures and tests outlined in [“The European Union Referendum - the Charity Commission’s regulatory guidance for charities”](#), and show how Buglife has addressed each point.

These answers also address the guidance provided for Scotland by OSCR [‘Guidance for charity trustees on the European Union referendum’](#)

| <b>Charity Commission Guidance</b>   | <b>Adoption</b>   |
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| Are Buglife's trustees satisfied that taking a position on the referendum is a proper way to support the delivery of the charity’s purposes? | Buglife has undertaken a risk assessment of the referendum against our objectives that has been approved by the Trustees. |

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| <p>Are Buglife's trustees satisfied that taking a position on the referendum is in the best interests of the charity?</p>   | <p>The Trustees have considered the potential risks, including to reputation and income from taking a position on the referendum.</p> <p>On reputation - Buglife has the reputation of standing up for bugs and making clear and courageous statements where this helps bugs, therefore the risk to our reputation of not taking a position is probably greater than the risk of taking a position.</p> <p><i>"We believe that it is essential to be the professional advocate for invertebrates and their conservation. We influence the public, policy makers and land managers so they can make better decisions for bugs. We champion invertebrate conservation and encourage people to manage the planet more sustainably. We are the only organisation in Europe committed to conserving all invertebrates - around 64% of all species."</i> Bugs United (our corporate strategy).</p> <p>On resources - there is a risk that we will lose some donor support from taking a position, but being a wildlife charity with a clear position is also likely to attract support, we don't expect this to be a very large effect either way.</p> |
| <p>Is Buglife in an exceptional position in relation to its charitable purposes?</p>  | <p>Yes, Buglife is the only European not-for profit representing the needs of all invertebrates across the continent - a uniquely broad agenda.</p>  |
| <p>Would taking a position be party political?</p>  | <p>No, this is not a clearly party political issue and we will not work with or support any politically partisan body when making the case.</p>  |
| <p>Is the charity being used as a vehicle for the expression of the personal views or political, including party political views of an individual trustee or staff member?</p>  | <p>Buglife staff and trustees with a wide range of political views have been involved in determining our position, strictly on the basis of the risk to our charitable objectives. Our assessment has been based on an analysis of the UK Government's and national government's track record over the last 20 years; there have been at least six different political parties in power over that period.</p>  |
| <p>You should also be alert to the risk that a political party, or one of the 'remain in' or 'leave' campaigners in the referendum, could seek to exploit your charity's participation in policy discussions for its or their own benefit rather than for the benefit of your charity's beneficiaries. You must not allow this to happen.</p> | <p>This was considered at our Board meeting of 10.3.16. We will maintain party neutrality, but it is neither a legal requirement, nor reasonable, to expect trustees to control the behaviour of other 'campaigners' (as recognised in this <a href="#">Charity Commission blog</a>. While we will make every effort to be very clear about our reasons, others are at some liberty to misinterpret our position and would be even if Buglife said nothing. There would be a greater risk of being misrepresented if we produced an equivocal position.</p>  |
| <p>Loss of funding would not in itself justify political activity directed at the UK remaining in the EU.</p>   | <p>Our position is not predicated by any assessment of the direct funding available to Buglife, although potential funding impacts across the sector have been taken into account.</p>   |
| <p>The extent of the charity's engagement must be proportionate to the issue involved.</p>  | <p>This is an important issue for the future of bug conservation across the UK and EU but we are unlikely to spend more than five days working on this issue (0.05% of</p>   |

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|  | staff time in 2016).  |
| Consider issues such as the risk posed to the charity by the loss of funding                         | This was considered at our Board meeting of 10.3.16. It is possible that a small number of supporters or trust fund decision makers will object to Buglife taking a position on the referendum, on the other hand there are likely to be more people who would increase their support for Buglife, either because they agree, or because they want Buglife to be clear and courageous on the issue, in line with our characteristics as set out in our strategy 'Bugs United'.  |
| Full transparency about funding is especially important  | There are already a number of online articles about our LIFE funding in Scotland, we will make sure that this funding is referred to in any significant communications about the referendum.  |
| Any referendum related activity may attract adverse comment. Trustees must consider the possibility. | This was considered at our Board meeting of 10.3.16. It is likely that we will attract adverse comment, the likely players involved have the capacity to create significant public noise and procedural discomfort. Although most of the effort is likely to be directed towards big charities that have already come out with an IN position. Previous such criticism of Buglife's positions, for instance on neonicotinoids, has not had a significant impact on our operations or ability to deliver our objectives. Indeed, they have on occasion drawn attention to Buglife's reasoning and position. By complying with the Charity Commission guidance to every extent possible, and documenting our reasons for taking a position in terms only of our charitable objectives the amount of trouble that could be caused will be limited. |
| Does Buglife's governing document prohibit such activity?  | No, our Memorandum and Articles of Association state that we can "do all such other lawful things as are necessary for the achievement of the Objects".   |

The Charity Commission Guidance concludes with a checklist of five questions for Trustees to address in relation to taking a position on the referendum. Here are the questions with our proposed answers.

| <b>Charity Commission Questions for Trustees</b> | <b>Answer</b> |
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| <p>How the action agreed furthers and supports your charitable purposes</p>   | <p>Buglife has undertaken a risk assessment of the referendum that shows that Brexit would have a significant and in the balance strongly negatively effect on our ability to achieve the following charitable objectives:</p> <p><i>'The study, protection and preservation from extinction of natural invertebrate fauna by conserving them in the wild by such means as are available.'</i></p> <p><i>'To promote the permanent preservation and sound management for the benefit of the public generally of lands of ecological or other scientific importance with particular reference to invertebrate fauna.'</i></p> <p><i>'To foster interest in governmental and voluntary bodies, educational establishments and the public generally in problems concerning the conservation of natural invertebrate fauna.'</i></p> |
| <p>The basis on which you have decided that the activity is in the best interests of your charity within its charitable objects</p> | <p>We hope to draw attention to the implication of the referendum to the public so that they are empowered to take a decision that includes what is best for bugs. Bee declines in particular is of great concern to the British public (85% are concerned or very concerned) and they should be able to understand the risks to bees from Brexit.</p>   |
| <p>The risks involved that you have identified and how you will avoid them within charity law</p>                                   | <p>We have reviewed the risks and agreed mitigation where required.</p>  |
| <p>Any conflicts of interest that you have identified and how you propose to deal with them</p>                                     | <p>We have considered possible conflicts of interest, none have been specifically declared by staff or trustees (although one of our eight trustees has stated that they will be campaigning for the UK to stay in). We will be transparent about receiving EU LIFE funding for practical delivery work in Scotland.</p>   |
| <p>You must not spend more than £10,000 on campaigning during the referendum period</p>   | <p>We are unlikely to spend more than £1,500 on staff time developing and promoting this position, no other costs are envisaged.</p>   |