



## **The Lobbying Act – What you need to know for a General Election**

November 2019

### **1. The Lobbying Act**

Now that a General Election has been called, political parties have entered campaign mode. Candidates all over the UK are setting out their positions on a range of issues in an attempt to gain the votes of local people.

An election provides an opportunity for the views of the MS community to be heard. However, the [Lobbying Act](#), introduced in 2014, outlines what charities can and can't do during an election period, to ensure that no individual or organisation can have influence over an election. These legal restrictions, around how we campaign during the election period mean we have to be clearly independent and ensure that any involvement we have with political parties is balanced.

This document sets out things individuals and volunteers must consider while campaigning for, or on behalf of, the MS Society in order to comply by the Lobbying Act. It should be noted that individuals may support a political party and campaign locally in a private capacity, so long as they are not explicitly representing the MS Society.

### **The dos and don'ts during an election period**

Things that we **can** do are:

- ✓ Continue campaigning on issues clearly within our charitable interest and purpose
- ✓ Reach out to the candidates and ask their views on issues
- ✓ Publish candidates' views on issues
- ✓ Host a debate between candidates or invite them to issue-focussed events
- ✓ Publish a manifesto or briefing materials on key issues

Things that we **can't** do are:

- Advocate for any individual party or candidate
- Explicitly compare the organisation's views to those of individual parties or candidates
- Donate funds to any individual party or candidate (as the MS Society)
- Allow our organisation to be cited in a candidate's manifesto/election materials
- Use social media to support a candidate or party **if** it is clear from your account that you have a link to the MS Society.

Further details are contained below.

### **Our campaigning and political activity – further guidance**

- Rooted in the voices, needs and experiences of people affected by MS, our campaigning and political activity are legitimate and valuable activities to undertake. Political campaigning may continue during an election period if in support of our charitable purposes – that is, a world free from the effects of MS.

- Therefore, existing campaigns, such as our PIP campaign, securing funding for social care or improve access to MS treatments, aren't prohibited by the Lobbying Act. We have been campaigning on these issues for many years, and our calls are rooted in insight about what matters to people affected by MS.
- However, one of the basic principles of charitable campaigning during an election is not to discriminate or demonstrate a preference between parties. **One way a charity campaigning during an election period can fall foul of the rules is if the campaign activity is intended to influence how people vote (or if a reasonable person would think this was the intention).** Therefore, we must be mindful to show an independent, balanced view between parties during an election period.
- One example where we need to be careful is if a party supports one of our policy calls as part of its manifesto. We cannot explicitly support a party based on its position on one of our policy calls, or compare other parties unfavourably because of a policy commitment. We can give support to specific policies advocated by political parties if it would help achieve our charitable purposes. But, we must respond to such a manifesto commitment in a balanced and considered way.
- We must also be very careful not to allow ourselves to be used as a vehicle for the expression of the political views of any individual volunteer or staff member.
- The Lobbying Act makes it important to try to secure cross party support for your cause or issue. For example, we may wish to help organise a hustings during election period. In this event, we must ensure all major political parties are invited to take part<sup>1</sup>. Similarly, if you are organising a local hustings for people with MS, you would need to invite candidates from all the parties standing for election in that area. Likewise, if you are attending a hustings locally and intend to question candidates on the MS Society's calls, you would need to aim your questions in a balanced way at all of those in attendance.

Additional advice on what we can and cannot do during the election period is available [here](#).

### **What does this mean for our volunteers and staff**

- Sometimes staff and volunteers will wish to be involved in party political activities in their individual capacity, including as candidates. This is permitted so long as you do not identify yourself as being connected to the charity while being involved in campaign activities. If staff and volunteers would like to speak with a member of the External Relations team if they are unsure about how to manage any potential conflict of interest, please contact [Jonathan.Blades@mssociety.org.uk](mailto:Jonathan.Blades@mssociety.org.uk).
- Social media channels such as Twitter are a great way of engaging people and getting messages out. However, if your account identifies you as being connected to the charity, you need to be very careful not to be seen to be endorsing a party or candidate, as any political bias shown could be seen as the MS Society, not just you, backing that party or candidate. Make sure to identify that the views voiced on social media are your own and not a reflection of the MS Society.

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<sup>1</sup> As a minimum, all parties with an MP should be considered.

- Ensure you are balanced and independent when you engage with any politicians in a work capacity. If you encounter politicians whilst in a work capacity, ensure you are balanced and show no party bias in your interaction. This could include inviting all candidates standing for election to an event where you may have previously invited just the MP, or perhaps directing a question to candidates of all parties instead of singling out one candidate if you have the chance to interact with them in this way.

## **Q&A**

### **Q: A journalist calls for comment on one of the main parties saying it will guarantee access for medicinal cannabis in its manifesto, what should you do?**

Medicinal cannabis is an issue that we have been campaigning on for a long period of time, so should not be covered by the regulations, and therefore it would be ok to provide a positive statement welcoming this specific policy announcement. However, any comment should not recommend that people vote for this party on the basis of this manifesto commitment. We also should not alter our campaigning as a result of the endorsement – i.e. increasing our campaigning on the issue as a result of the change.

### **Q: We would like to publicise specific manifesto promises or comments made by political parties in their manifesto on social media, how should this be done?**

A: We can retweet or welcome specific policy recommendations during the election campaign on issues that we have been campaigning on for a long time. However, we should not draw direct comparisons between the policies of different parties.

### **Q: I am campaigning for a local parliamentary candidate, what precautions should be taken to ensure I am not in breach of the Lobbying Act?**

A: Staff and volunteers have the right to be involved in local campaigning as an important part of civil society. However, it's important that your activities are not seen as the MS Society attempting to influence the way people vote. Take a little care to make sure that you're not seen to be campaigning on behalf of the MS Society while you're campaigning for a local candidate – for instance, don't wear an "MS Society" shirt while canvassing!

### **Q: Is it ok to be publically critical of a political party's history. E.g. the Conservative Government's record on Personal Independence Payments during the election period?**

A: Again, we have been campaigning on PIP for a number of years, so this is something you can address. However, it is important to consider our tone messaging. If in doubt, ask yourself: does the campaign activity intend to influence how people will vote, or would a reasonable person think this was your intention?

### **Q: A local parliamentary candidate would like to support an increase in social care spending and asks whether they can cite the MS Society in an election material to evidence their commitment. Is this ok?**

A: No, as this could be seen as an active endorsement of the position of a candidate or party.

**Q: I am a volunteer and would like to give money to a local candidate?**

A: The MS Society is not allowed to give funding to a political party, nor a candidate or a politician. However, staff or volunteers may give their money and support to local candidates privately.

**If you have any questions about how to ensure the MS Society upholds its obligations under the Lobbying Act, please contact Jonathan Blades ([Jonathan.Blades@mssociety.org.uk](mailto:Jonathan.Blades@mssociety.org.uk))**