

A summary of Charity Commission guidance on public benefit and the advancement of education

The Charity Commission published its guidance on the advancement of education on the 17 December 2008. This information sheet seeks to provide an overview for trustees on the essentials of that guidance. This guidance must be read in conjunction with our top level guidance relating to the delivery of Public Benefit by charities and the overarching principles which is available at www.bllaw.co.uk/charityinformationsheet

What is education?

- It has a wide meaning attributed to it when used in contemporary speech and includes the education of adults as well as children and young people.
- It includes
 - formal education
 - community education
 - physical education and development of young people
 - training (including vocational training and life-long learning)
 - research and adding to collective knowledge and understanding of specific areas of study and expertise
 - the development of individual capabilities, competencies, skills and understanding

Advancing education

- Advancing education means to promote, sustain and increase individual and collective knowledge and understanding of specific areas of study, skills and expertise.
- It is more than mere experience. It must be deliberate. The experience must:
 - be intended, or drawn out and explained or analysed, or
 - structured in such a way that it is capable of increasing learning, understanding, skills or capabilities
- There must be a connection between the experience and the process or subject for the experience to be capable of being educational.

- Providing factual information is only educational if its provision is capable of educating people. Eg train timetables are not in themselves educational whereas library information is since there is a structured arrangement of accessible resources for broader educational activities.
- The appropriate level of structure is determined by the relationship between the purpose of the information (eg the study of a subject or the improvement of a skill), the nature of recipients and the process or method of delivery.
- Education should allow persons being educated to make up their minds on controversial issues. Provision of information or education with the aim of persuading people for specific conclusions is not advancing education. Conclusions must be based on evidence and balanced analysis.
- Schools with a religious ethos can advance education so long as the cultural and religious ethos does not avoid neutrality and balance in the provision of education.
- The Commission lists examples of ways in which charities might advance education by:
 - providing services (eg running a school, after school clubs, seminars and conferences)
 - providing support (eg mentoring and coaching, supporting schools overseas, supporting students with behavioural problems)
 - promoting knowledge and raising standards (eg research and publishing, academic accreditation), and
 - grant funding (eg funding individual education, endowing a Chair at a university)

The identifiable benefit

- Education is widely recognised as beneficial. Society needs learning (knowledge about subjects) and skills/competencies to tackle the challenges of existence. So the benefit will usually be clear. It is about equipping people with the capacity to understand and operate successfully in society.
- To be of benefit the education must be of educational merit or value either by virtue of the fact that the **subject** is capable of being of educational merit or value or the **process** is such that it delivers educational merit or value, or both.
- Value or merit will usually be clear but if it is not then positive, objective and informed evidence will be required to show it.
- The benefit to the public should be capable of being recognised, identified, defined or described but that does not mean that it should also be capable of being quantified or measured.
- Adding to the store of useful human knowledge is a benefit even if it is **not practically useful** but only capable of increasing knowledge, understanding and learning as is providing a factual resource (such as a library).
- Increasing useful skills, capabilities and capacities is of benefit only if they are **useful**.
- The benefit(s) must flow from the charity's aim and if there is more than one aim, then each aim must be for the public benefit. Accidental or unplanned benefits arising from an organisation carrying out its aims will not be taken into account.
- The benefits can be:
 - a school education system teaching the national curriculum within the standards set by OFSTED.
 - acquiring basic life skills (eg. literacy, numeracy, citizenship and capacity for life-long learning)
 - creation of a skilled workforce
 - innovation and advances improving the lives of people
 - personal development. The development of an individual's intellectual, physical, emotional and spiritual capabilities that benefit the individual and society.

- The organisation advancing education must provide positive, objective and informed evidence of educational merit or value where it is not clear.

Your beneficiaries

- Access to education must be open to the public or a sufficient section of the public. Who constitute 'the public' or a 'sufficient section of the public' will be informed by the organisations aims.
- Restricting the benefit to a section of the public is only justified where the restriction is reasonable and relevant to the charitable aim of advancing education. The restrictions must be legitimate, proportionate rational and justifiable given the aim of the organisation.
- Restrictions may be linked to:
 - those who have the opportunity to attend a particular educational establishment
 - people having specific educational needs
 - people living in a particular area
 - people who have reached a particular level of educational achievement (but only if the restriction is imposed to ensure that the prospective beneficiaries are able to benefit from the provision)

But not where there is no rational link. A scholarship fund to attend a particular educational establishment is for the public benefit as long as the **opportunity** to benefit is open to a section of the public.

- Restrictions relating to a common employer, a personal or family link are not reasonable restrictions.
- People in poverty must not be excluded from the opportunity to benefit. And see our related guidance on **Public Benefit and fee charging**.
- The beneficiaries will differ depending on the aims, eg:
 - advancing education – the public at large or those eligible to receive education
 - organisations supporting educational establishments – the people who have the opportunity to be educated at those establishments
 - charity setting curriculum standards – the students likely to follow that curriculum
 - lecture or literary society – those who have the opportunity to attend lectures or events
 - research – the public at large

In some cases whilst the section of the public benefiting is on the face of it small, the fact that the beneficiaries are say specialists in their field who pass on the benefit of the information received in their work, may mean that the section of the public is wider than it at first appears.

Private Benefit

- A private benefit is a benefit that a person or organisation receives other than as a beneficiary of a charity.
- A private benefit can be a one-off payment for services (eg painting the charity's premises) or regular payments for ongoing services to achieve or support a charity's aim. Either way the benefit will usually be a necessary but incidental way of the organisation advancing its aims, or as a consequence of doing so.
- Teaching and/or training professionals or persons with pre-eminent skills (eg musicians or surgeons) can be charitable so long as the purpose of the teaching and/or training is to enable the recipients to produce great music or perform specialist surgical skills for the benefit of the public.
- If the real aim is to deliver private benefits (eg profit for an owner) or the benefit to the public is very restricted (eg access to a private art collection on a few days per annum), the organisation cannot be a charity.

- Commercial arrangements by research bodies to fund useful research for the public benefit is capable of being for the public benefit despite the private benefit to the commercial body where it can be shown that the private benefit to the commercial entity is incidental.

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