

Sue Smith
Charity Commission
Harmsworth House
13-15 Bouverie Street
London
EC4Y 8DP

18th June 2007

Dear Ms Smith

Guidance on Public Benefit

I write on behalf of the Science Council to respond to the Charity Commission's consultation on its draft guidance on public benefit. I apologise for responding slightly beyond the closing date but nevertheless hope that these comments are helpful and will be taken into account.

The Science Council is not itself a registered charity but hopes to register in due course. The Science Council was established by Royal Charter in 2003 with the object to advance science and its applications for public benefit. It is a membership organisation for learned and professional bodies across science and its applications and works with them to represent this sector to government and others: there are currently 32 member organisations that in turn have more than 450,000 individual members. The Science Council promotes the profession of scientist through the Chartered Scientist designation and the development of codes of practice; it promotes awareness of the contribution of professional scientists to science and society and advances science education and increased understanding of the benefits of science. The Science Council provides a forum for discussion and exchange of views and works to foster collaboration between member organisations, the wider science community, and the public, to enable interdisciplinary contributions to science policy and the application of science. A list of member organisations is attached as an appendix.

The Science Council, jointly with the Foundation for Science and Technology, has established a working group that will explore public benefit in the advancement of science. It will also examine the nature of public benefit in relation to role of charities in regulation of professions and leadership of disciplines, the advancement of knowledge for public benefit, the balance private interest and public interest and best practice in accounting for public benefit in the area of science. The working group will report later this year. It would be premature for me to anticipate these discussions and I am therefore focussing my comments on the generality of the guidance raised in this consultation rather than on a definition of public benefit.

The Science Council supports the Commission's efforts to engage with charities and explain the importance of the new legislation with regard to public benefit. The majority of Science Council member organisations are registered charities and many are

registered under the advancement of education, a 'head' for which there has previously been an assumption of public benefit.

I note that the consultation makes clear that the paper is intended as guidance and does not consist of very many '*shoulds*' and '*musts*'. While these distinctions may be clear to those of us who are deeply embedded in the discussion about public benefit, for many trustees of member organisations the distinctions are not clear and a publication of this kind from the Charity Commission is seen as something that must be followed. Consequently, the guidance has resulted in some anxiety and confusion.

Public benefit

Concern has been expressed by members with regard to the suggestion that there must be proof, with evidence, of public benefit and many have noted that the benefits arising from science may be only apparent in the very long term, and perhaps only for future generations as in the case of climate change.

Dis-benefits

It is not my understanding that the concept of dis-benefit was included in the Charities Act and it seems therefore to be an unnecessary confusion to have included it by the back door in this way. The issue of dis-benefits from science is complex and there are many different views with some campaigning organisations taking strong positions against advancement in some areas of science, for example IVF, genetics, GM and nuclear power. Taking one of the examples in the consultation, I believe that a case could be made for a charity to preserve malaria carrying mosquitoes for research purposes or for the development of vaccines. If there is a clear public dis-benefit then it would seem more appropriate for specific legislation to be introduced to this effect rather than enabling the Charity Commission to restrict charitable activity and potentially introduce an imbalance or censorship of science activity in this way.

The public

This section of the consultation paper is helpful in widening understanding of 'the public' and making it clear that sometimes a small sub-section of the public could be sufficient.

People on low incomes

This section has caused many to believe that every charity, whatever its primary purpose, must have schemes or projects in place to target those on low incomes. In large part the public benefits of the advancement of science for society as a whole will be a 'knock-on' benefit because not everyone will be directly involved themselves. This section focussed on fees and charges, giving little guidance on judgement of the wider 'knock-on' or indirect impact of activities, and how to evaluate and provide the evidence of this in the longer term.

In some recent presentations the Commission has made clear that there is no blue print and that charities should focus on the questions and areas of public benefit most relevant to them and to their primary objective. But it is not clear whether a charity could meet the public benefit test without addressing all of the questions regardless of their primary purpose or whether they charge fees. The Commission has indicated that judgement would be on a case by case basis but it remains unclear whether a charity with no projects targeted specifically at those on low incomes would meet the public benefit test.

It has become increasingly clear in recent months that there are a wide range of differing views amongst legal specialists with regard to the precise definition of public benefit and how it might be applied as a test on all charities. This creates further confusion and anxiety for charities, particularly those that are registered under headings for which there was previously an exemption.

Yours sincerely,

Diana Garnham
Chief Executive