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(Legal, Performance and Knowledge)

[letter sent by e-mail only]

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Your Ref/Eich Cyf :
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Date/Dyddiad: 11 November 2014

Dear Rob

RSPB - 207076

Thank you for your e-mail of the 7 November.

I am impressed by the quality and clarity of your new financial presentation on the web site!

It is excellent that the RSPB has so readily taken up our suggestions and made these changes to the way you present the income and expenditure of the RSPB. I very much like the way you have graphically presented the information in a very accessible way. This serves an important purpose, communicating to the public how their donations are spent.

I also am now in a position to write back to the trustees on the issues raised recently in the media and highlighted in the 6 points made in the Mail on Sunday 2 November. As you are aware, when concerns or complaints are made about a charity, the Commission analyses these in relation to our risk framework to identify and assess any regulatory concerns. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/313453/risk-framework-our-regulatory-approach-to-protecting-the-public_s-interest-in-charity.pdf

I have looked at the 6 points raised in the article to see whether there are issues that we would need to raise with the trustees. I have also considered the detailed response issued by the RSPB.

For information, I have outlined my summary of each point below:

Concerns raised in Daily Mail – Sunday 2 November 2014

Summary of complaints

1. The RSPB is forced to siphon off £5 million from charitable income each year to fill a black hole in the pension fund – a deficit that will take 17 years to pay off. ‘The RSPB is a pension fund with a charity attached,’ writes Sir Ian.
2. ‘Misleading marketing’ downplays the vast cost of fundraising and exaggerates the amount the RSPB spends on conservation. ‘Your donations pay for its 405 fundraisers to ask you for more money so they can employ more fundraisers to ask you for still more money,’ claims Sir Ian. Only 24% goes on bird reserves and £6 million spent on TV advertising. Charity had been misleading public until told by Commission to “correct its statement”.
3. RSPB doesn’t do enough to protect birds – and should control predators more.

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4. It hides the fact that to protect birds on its 206 reserves, the charity shoots hundreds of foxes and deer every year.
5. The charity lobbies for measures to tackle global warming, and supports wind turbines – which kill thousands of birds every year.
6. RSPB has undue influence. It intimidates politicians and farmers with its 1 million membership. Defra is scared of the RSPB.
7. RSPB is a dictatorship. Only 3 people stood for the 3 Council seats at the AGM.

Analysis

I have analysed these concerns in relation to our Risk Framework as follows:

1. The charity is required to fund pensions for employees. They have explained in the accounts the impact of a higher actuarial valuation of their liabilities as long term interest rate projections continue to worsen. The RSPB have a long term financial plan agreed with the Pension Trustees for dealing with this additional provision which will cost 3% of total income. There is no evidence of financial mismanagement that would give grounds for regulatory concern.
2. Commission contacted charity about need to clarify their web statement. This was changed within 2 days to make it clear that 90% of net income is used for conservation. This has now been further improved to give very clear information about income and expenditure. It is for the charity to decide how much to spend on fundraisers and TV adverts. The charity funds wide range of activities to promote conservation, not just confined to bird reserves. Given the positive response by the charity, there are no further grounds for regulatory concern identified here.
3. Wildlife management methods and questions about the best way to conserve birds are not for the Commission.
4. Communication about the wildlife management methods employed by the RSPB is not a matter for the Commission. The charity gives details about this aspect of their work at: <http://www.rspb.org.uk/community/ourwork/b/martinharper/archive/2014/04/16/managing-predation.aspx>
5. There was no specific allegation in the article that the RSPB had acted contrary to our guidance on campaigning as set out in CC9 - <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9/speaking-out-guidance-on-campaigning-and-political-activity-by-charities>. Whilst there are no issues raised in the article that give rise to concern, I will be writing to the trustees about the issue of campaigning separately.
6. No evidence provided.
7. RSPB advertises trustee vacancies. They have explained that only three people stood for the Council posts, but this was their member's choice. No evidence that AGM conducted improperly.

Conclusion

The concern we raised about the way the RSPB explained how their income was spent was quickly acknowledged and your web-site now gives a very clear graphic breakdown of how money is raised and spent in a way that is easily understandable to the public.

As explained in my analysis above, I can confirm to the trustees that, the Commission has not identified further regulatory concerns raised in the Daily Mail article of 2 November and I have now closed my case in relation to this.

Campaigning

I should explain that we have received a further complaint in relation to the RSPBs campaigning activity. I think it might be useful if I were to meet with trustees and officers of the charity to discuss this in more depth.

Please give me a ring to discuss this issue and to arrange a suitable time.

Yours sincerely

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