

Guidance / FAQ on Open Society Foundation's¹ position on the UK's future relationship with the European Union

Q1. What is the UK's EU Referendum all about?

The UK's future relationship with the European Union (EU), and whether it will remain in or leave, will be determined by a referendum on 23 June 2016. The official 10-week campaign period began on 15 April.

The referendum is not on any aspect of EU law, or the model which would be used to exit, or a timetable for exit: it is expected that there would be a two year negotiating window should the UK vote to withdraw from the EU.

Q2. I've heard the term 'Brexit' – what does that mean?

Brexit is short for "British exit", which refers to the possibility of Britain's withdrawal from the EU if the referendum results in a vote to leave.

Q3. What is OSF's position on the referendum?

OSF will **not** be campaigning or funding a campaign for either a leave or remain vote in the referendum unless new circumstances come to light that our trustees consider should change our position.

Q4. Surely we prefer one outcome over the other?

OSF, as a charity, can only take a position on an election or referendum if our trustees are convinced that a particular outcome would clearly and directly affect the delivery of the charitable purposes behind our mission to promote vibrant and tolerant democracies, and that it is in the best interests of the charity to do so. In practice, the Charity Commission guidance on political activity says it would be 'exceptional' for the outcome of the referendum to directly affect delivery of a charity's purposes.

In the current in/out debate, there are many uncertainties that will not be clarified until after the result of the referendum. The broad scope of our charitable purposes means that, based on current information, it is highly unlikely that a referendum outcome will directly affect our ability to deliver our charitable purposes to such an extent that it is in our best interests to use resources for referendum campaigning.

Therefore, to ensure we are compliant with the principles of charity law, we have decided to remain neutral on this issue.

If there are reasons why you consider we should be campaigning or funding a campaign designed to influence voter behaviour in the referendum, please speak to Elisabeth

¹ This note is prepared for Open Society Foundation, a company limited by guarantee registered in England and Wales (number 4571628) and registered charity (number 105069), referred to throughout as OSF.

Bowles: this is not an outright prohibition. We would need to provide our trustees with the necessary information to decide whether the proposed campaigning activity furthers or supports our charitable purposes, and to assess the associated risks: please see the FAQs on Political Activity for further information.

Q5. If we can't talk about OSF having a preference for a particular outcome, what can we talk about?

We are free to discuss internally how our work might be affected by a leave or remain vote; we can assess and discuss the potential impact of a leave or remain vote on specific programs' and departments' activities; we can continue our programmatic work related to Europe and European issues; and we can discuss the significance of a referendum internally for OSF.

All these discussions will fall outside the restriction on direct campaigning, provided they do not intend to influence voter behaviour one way or another. These discussions should not take place online or in any public commentary under your professional title (Linked In, Twitter etc.) Please refer to our social media policy for further detail.

Q6. What do you think the internal significance will be for OSF?

There are many uncertainties around the impact of the referendum result but, by way of example, we know that many of our staff, grantees and consultants rely on the right to free movement between the UK and other European countries. Following a 'leave' result in the referendum, a UK government outside the EU could choose to retain unregulated or regulated entry of EU migrants, although there would be no guarantee of reciprocity for UK citizens. Or it could choose to adopt a managed system of migration covering both EU and non-EU nationals. The impact on OSF would depend on choices made by the UK about the number of migrants to admit, the criteria used to determine who was admitted, and the way such processes are regulated and enforced. HR will keep in touch with affected employees as and when the impact becomes clearer.

Q7. Can I share this guidance with stakeholders who ask for our position?

This guidance is available to the wider OSF network on KARL but is not for external circulation.

Q8. Can I get involved personally with referendum campaigning?

Yes, provided you comply with our Code of Conduct and Ethics:

Staff members are free to engage in political activities in their personal capacities when, in the staff members' judgment, such activities will not conflict with their ability to carry out Foundation responsibilities. Staff members should keep in mind, when making such decisions, the potential difficulty in outside perception in distinguishing between the staff member's personal and professional capacities. No political activities can be conducted during a staff member's business day, or with the use of any Foundation resources, and staff members engaging in political activities

must make clear that they are doing so in their individual capacities. Staff members must not use their affiliations with the Foundation when identifying themselves in connection with political activity.

Q9. I have some questions about the referendum and campaigning: who can I ask?

Please contact [Elisabeth Bowles](#) (Associate Legal Counsel) or [Eleanor Kelly](#) (Regional Head of Communications)

Q10. I have some questions about the impact on my employment: who can I ask?

Please contact [Maria Eke](#) (HR Manager)

*Elisabeth Bowles
18 April 2016*