

Complaint to Charity Commission regarding Barnardo's

Barnardo's wrote a statement on Twitter regarding the publication of 'White Privilege' teaching material: "*Talking about white privilege means looking at how our own actions maintain and support racist systems and structures - regardless of our intent. We're sharing some actions that parents can take to help create a fairer society. #WednesdayWisdom*" [Reference 1].

The teaching material "*White privilege - a guide for parents*" is accessible via their Tweet. [Ref 2]

This campaign is in breach of the Charity Commission's legal requirements as stated in its *Campaigning and Political Activity Guidance for Charities* [Ref 3]; the *EU Charter of Fundamental Rights* [Ref 4]; and the *Equality Act 2010* [Ref 5]. In addition, it is encouraging activities deemed to be breaking the law for schools as explained in the House of Commons by MP Kemi Badenoch on 20th October 2020 [Ref 6].

1/ In Breach of the Charity Commission's Legal Requirements

On the Barnardo's website it states that "*We believe in children regardless of their circumstances, gender, sexual orientation, race, religion and beliefs, disability, age and behaviour*", and "*Respecting the unique worth of every person. We believe that every person is different but equal, and that everyone's unique talent should be recognised and encouraged*". [7]

Stated within the Charity Commission's *Campaigning and Political Activity Guidance for Charities* (CC9), it is a legal requirement to ensure that "the campaign is likely to be an effective way of furthering or supporting the charity's purposes." [Ref 3]

Barnardo's 'White privilege' critical race theory campaign demonises children based on their White skin colour, a heritable and protected racial characteristic; teaches White children to accept guilt for this heritable characteristic; and erroneously assumes an elevated position of privilege in society based on their White skin colour. As such it runs contrary to Barnardo's charitable purposes and core values and is detrimental to the well-being of White children and is therefore in breach of the Charity Commission's legal requirements [Ref 3].

Although not a legal requirement the Charity Commission's *Campaigning and Political Activity Guidance for Charities* (CC9) states "*a charity can campaign using emotive or controversial material, where this is lawful and justifiable in the context of the campaign. Such material must be factually accurate and have a legitimate evidence base.*" [Ref 3]

Barnardo's recognised the emotive nature of the material; at the start of the article, it states "*The subject evokes strong emotions from a range of people – some of whom disagree with the use of the term at all.*" [Ref 2] However, the material they publish in the article is not factually accurate. For instance, in the article they say White people do not experience hate crime. Evidence shows otherwise. An article written by The Guardian in 2006 (since which time it has become more difficult to obtain these figures) reported that nearly half the victims of racially motivated murders are White. [Ref 8]

2/ In breach of the EU Charter of Fundamental Rights

Barnardo's breaches the non-discrimination law set forth in The EU Charter of Fundamental Rights, article 21, which the UK is presently bound by, which states:

"Any discrimination based on any ground such as [...], race, colour, ethnic or social origin, genetic features, [...] birth, [...] shall be prohibited." [Ref 4]

3/ In breach of the Equality Act 2010

Barnardo's breaches the Equality Act 2010 of England, Wales and Scotland, Chapter 2, Prohibited conduct, Discrimination:

13 - *Direct discrimination: "(1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others."*

19 - *Indirect discrimination: "(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's."* [Ref 5]

4/ Encourages activities deemed to be breaking the law for schools

By providing and promoting teaching material about 'White Privilege' critical race theory Barnardo's is encouraging activities deemed to be breaking the law for schools as explained in the House of Commons by MP Kemi Badenoch on 20th October 2020:

"We do not want to see teachers teaching their white pupils about white privilege & inherited racial guilt... any school that teaches these elements of critical race theory as fact... is breaking the law." [Ref 6]

References:

1] <https://twitter.com/barnardos/status/1326474503820546054?s=19>

2] https://www.barnardos.org.uk/blog/white-privilege-guide-for-parents?utm_source=twitter&utm_campaign=always_on&utm_medium=organic&utm_content=white_privilege_1111

3] <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>

4] <https://fra.europa.eu/en/eu-charter/article/21-non-discrimination>

5] <https://www.legislation.gov.uk/ukpga/2010/15/part/2/chapter/2>

6] <https://twitter.com/talkRADIO/status/1318965206064791553?s=19>

7] <https://www.barnardos.org.uk/our-basis-and-values>

8] <https://www.theguardian.com/uk/2006/oct/22/ukcrime.race>