

Adrian Blackmore  
Director of Shooting  
Countryside Alliance



[letter sent by e-mail only]

Charity Commission  
PO Box 1227  
Liverpool, L69 3UG

t: 0300 065 1803

**Your Ref:**

**Our Ref:** C- 403152

**Date:** 7 January 2015

Dear Mr Blackmore

**RSPB – 207076**

I am writing in relation to the complaint made on behalf of the Countryside Alliance in relation to the RSPB's Birdcrime Report 2013 - <http://www.countryside-alliance.org/ca/campaigns-shooting/rspb-birdcrime-2013-report-sweeping-allegations-against-shooting-community>

The criticism levelled is that *"the report makes sweeping allegations against the shooting community, and grouse shooting in particular – allegations that are not consistent with the evidence provided."*

We have looked at the allegation that the RSPB has misused data and made unfounded allegations, acting in breach of our guidance for charities set out in CC9 - 'Speaking Out: Guidance on Campaigning and Political Activity by Charities'.

**The legal framework**

As long as trustees are acting within charity law and their governing documents, they have wide discretion to direct the activities of their charity. This applies in relation to campaigning and political activities as it does to any other activities a charity may carry out in furtherance of its charitable purposes.

As you are aware our guidance CC9 sets out the legal and regulatory framework for charities wishing to engage in campaigning and political activity. As a general principle, charities may undertake campaigning and political activity only as a means of supporting the delivery of their purposes. Charities cannot engage in party political

activity. Our guidance also recognises that campaigning and political activity can be legitimate and valuable activities for charities to undertake.

Our guidance explains that emotive or controversial material may be used by charities when campaigning. However, the use of emotive language or images must be based on well-founded evidence and be factually accurate. It is also important for trustees to consider the reputational impact of a campaign that may be controversial and take steps to mitigate any damage to the charity's reputation.

### **Steps taken to examine the complaint**

Given the high public profile of the charity, we felt it important to ask them to review and explain the evidence relied on in relation to the specific issues you raised. I have also met with the trustees to gather further information to inform our assessment. I have provided a summary of the issues you raised below, together with their response and our conclusion for each issue.

#### **1. Grouse moor gamekeepers' prosecutions**

**RSPB statement** – *“over the years, a steady stream of grouse moor gamekeepers have been prosecuted for raptor persecution crimes”*

**Countryside Alliance comment** – “Over that 13 year period, 20 gamekeepers employed on grouse moors (an average of 1.5 per year) are shown as having been prosecuted”

**RSPB's response** – The sentence is immediately linked to a table on page 21 of the report and has to be read in that context. The table lists the convictions of all the grouse moor gamekeepers known to the RSPB with their sentences between 2001 and 2103. The reader is therefore able to see for himself or herself what the evidence is and to decide whether it supports the statement. It is our view that the position as stated in the report is consistent with the accepted use of 'steady stream'

**Commission's Conclusion** – the evidential context for this phrase is provided and I do not find the expression used to be unsupported by the facts.

#### **2. Shooting industry responsibility for raptor persecution**

**RSPB statement** *"it believes it is the shooting industry as a whole, not individual gamekeepers, that is primarily responsible for raptor persecution in the UK".*

**Countryside Alliance comment** – “It is unclear on what grounds it has based that belief, as the evidence to support it is missing. It is, however, using these unsubstantiated claims to repeat its call for: political parties to introduce licensing of driven grouse shooting after the election; the introduction of an offence of vicarious liability in England; increasing the penalties available to courts for wildlife offences; and for game shooting to be regulated with an option to withdraw the 'right' of an individual to shoot game or businesses to supply shooting services for a fixed period following conviction for a wildlife or environmental offence.”

The Countryside Alliance also lists a number of factual matters, together with their conclusion that - “the RSPB is continuing in its efforts to promote an anti-shooting agenda, especially against driven grouse shooting. It has less to do with a concern about birds and more about ideology and a political agenda. Like reports of recent years, the 2013 Birdcrime Report is deliberately misleading, and many readers will

invariably take at face value the claims and accusations that have been made. Many of these are serious, and made without the necessary evidence with which to substantiate them.”

**RSPB’s response** – The RSPB rejects entirely the accusation that it is promoting an anti-shooting agenda or promoting a particular ideology or political agenda. They state that despite several decades of full legal protection, raptor persecution has been persistent over wide geographical areas with negative conservation impacts for several species. The RSPB believes the conservation impact of offences on wild birds and the relationship with different types of land management and use can be demonstrated clearly and quotes evidence from scientific studies, geographical location of incidents, profile of those prosecuted and intelligence information.

The RSPB refer to a number of peer-reviewed studies that have identified that persecution of hen-harriers, golden eagles and peregrine falcons is a significant conservation problem on land managed for grouse shooting.

The RSPB also quote from the National Wildlife Crime Unit 2013 Strategic Assessment that *“intelligence continues to indicate a strong association between raptor persecution and grouse moor management”*.

In relation to their call for increased regulation, the RSPB quote the House of Commons Environmental Audit Committee’s 2012 report on wildlife crime *“given the scale of ongoing persecution of birds of prey, the current law appears to carry insufficient deterrent weight. We recommend that the Government evaluates the effect of the introduction of an offence of vicarious liability in relation to raptor persecution in Scotland and considers introducing a similar offence in England and Wales in that light”*.

The RSPB state that “In all the circumstances, particularly with the highly vulnerable conservation status of the hen harrier as breeding species in England, the RSPB believes there are strong conservation grounds to ask for increased licencing, and ultimately accountability, for this area of game bird management. The RSPB believes this type of regulation should have minimal impact on sporting estates operating within the law.”

**Commission’s Conclusion** – it is not for the Charity Commission to engage in or decide on these issues; our role is to assess whether the assertions and position of the RSPB can be supported by reference to the evidence, as set out in our guidance on Campaigning and Political Activity by Charities. On the basis of the information provided, I do not uphold the complaint that the RSPB’s position is unsubstantiated.

### **3. Research data 1990 – 2006 on Peregrine breeding success**

**Countryside Alliance comment** - “For the third year running, the RSPB has included a piece of research in its Birdcrime Report that is intentionally misleading. Both the 2011 and 2012 reports covered in detail a research paper which claimed that peregrines on or close to intensive grouse moor areas bred much less successfully than those in other habitats, and that persecution was the reason for this. That same research paper is covered again in the 2013 Birdcrime report. The research in question used data from 1990 – 2006 and at the time it was published a representation was made to the National Wildlife Crime Unit which resulted in a caveat being circulated to all Police Wildlife Crime Officers in the UK explaining that the data used in the paper was out of date, and that in using such information there was danger that the research paper suggested a current situation. For the RSPB is

well aware of that caveat, and to include this once again makes a complete mockery of its previously stated belief that reliable data are essential to monitoring the extent of wildlife crime.”

**RSPB response** – The RSPB had asked the National Wildlife Crime Unit for clarification in relation to the caveat that had been circulated to all Police Wildlife Crime Officers in the UK. The NWCU explained that - *“As the NWCU holds a comprehensive contact list of all police wildlife crime coordinators across the UK, we were contacted by Scottish Land & Estates (SLE) and were asked to circulate a ‘response’ paper (from the Countryside Alliance) along with a caveat (which was provided to us by SLE). We duly circulated the caveat to all our PWECO’s as requested. The caveat was clearly marked as being from the Countryside Alliance and was never stated to be the opinion of the NWCU”.*

The RSPB states that the research paper on Peregrine breeding success is a peer reviewed scientific paper published in the journal Biological Conservation 2012. It is based on monitoring between 1980 and 2006 across seven widely separated areas of northern England. The RSPB do not accept the paper is out of date and state that this is the latest available peer-reviewed scientific research of its kind on this subject.

**Commission’s conclusion** – it appears that the research findings on Peregrine breeding success remain relevant to the issues under consideration.

## **Summary**

Complaints that a charity may be breaching the guidelines on campaigning and political activity are serious and I have set out above the steps we have taken to look into your concerns. I would emphasis again that it is not for the Commission to make any judgement on the issues of conservation and wildlife management that are under debate.

Your central complaint is that the RSPB has misused data and made unfounded allegations in their Birdcrime Report. Having examined the issues raised and met with the trustees, we have concluded that we have not found the RSPB has breached our guidelines on Campaigning and Political Activity by Charities. The Charity Commission therefore does not uphold your complaint.

Thank you for contacting us about this matter.

Yours sincerely

Harry Iles

**CC – Professor Steve Ormerod – Chair of RSPB Council**