
Written evidence submitted by Alexander Adams

Written evidence submitted to the House of Commons Digital, Culture, Media and Sport Committee by Alexander Adams, art critic (*British Art Journal, The Art Newspaper, The Critic, The Jackdaw, etc.*), 9 March 2020

1. Regarding the oversight of the Charities Commission of England I am submitting the following information. On 2 October 2018 I wrote a letter to the ICA, London regarding an apparent breach by the ICA regarding political campaigning. This letter, ICA's reply and my response were published in *The Jackdaw*, no. 143, pp.8-11., January 2019. My letter of 2 October 2018 explained the apparent breach:

2. "On Monday, 1 October 2018 the ICA held an event entitled "The Annual Friends of the Institute of Contemporary Arts Dinner in Honour of Chelsea Manning" (the "Event"). The guest, Chelsea Manning, is described in the ICA press release (14 August 2018) (the "Press Release") as an "American activist". [...]

3. "The Press Release nowhere discusses the artistic function of the Event. The guest is a political and social activist who is not an artist, has not produced creative work and has no displayed expertise in the arts. The discussion was not billed as a discussion about art. The conclusion one draws is that the Event was expressly political. Indeed, the Press Release describes Manning as "a global figure aligning with the historic mission as well as the current work of the Institute", which draws an explicit link between the guest's social-political activism and the ICA's activity. [...] As such it raises three issues that need publicly addressing:

4. "**1. Contravention of the ICA Memorandum of Association** The ICA Memorandum of Association of 22 July 1947, subsequently updated, (the "Memorandum") specifies the purposes and activities of the ICA. The Event falls outside those purposes and activities as defined in the Memorandum, most specifically Article 3(i), which describes the area of activity of the ICA as the visual arts.ⁱ The Event was – as expressly stated in the Memorandum – an occasion to honour a political activist with no known connection to the visual arts. Thus the Event seems to contravene the Memorandum.

5. "**2. Contravention of the Charity Commission guidelines** The ICA is a Registered Charity (Charity No. 236848, Company No. 444351) and must therefore abide by the Charity Commission guidelines. These guidelines state: "political campaigning, or political activity, as defined in this guidance, must be undertaken by a charity only in the context of supporting the delivery of its charitable purposes."ⁱⁱ It seems the Event was "political activity" and therefore the ICA contravened Charity Commission guidelines in as many as two ways: **directly**, by being "political activity" and **indirectly**, by contravening the Memorandum to which the ICA is bound in order to maintain its charitable status. Thus the ICA seems to contravene the Charity Commission guidelines in two ways.

6. "**3. Apparent financial impropriety** The Event was hosted and promoted by the ICA and was an official event listed on the ICA website and in press releases. The Event therefore used ICA funds, facilities and staff. The ICA has received funds from the British Council, the Arts Council of England,

the National Lottery and other British public bodies, obtained in its capacity as an arts organisation, as set out in the Memorandum.ⁱⁱⁱ The ICA has received funds from organisations specifically designated to support charities, obtained in its capacity as a Registered Charity. These funds were obtained (respectively) on the grounds that the ICA adhered to its Memorandum as an arts organisation and the guidelines it is bound to follow as a Registered Charity, yet these funds were disbursed on a political campaigning event. Thus the ICA seems to have raised funds to support charitably-designated arts events and disbursed those funds on a political event.

7. "In conclusion, there seem grounds for 1) the ICA to face legal sanctions for contravening the Memorandum, 2) the ICA to face sanctions by the Charity Commission, 3) legal investigation of the ICA for misuse of funds."

8. **Summary:** *This letter was submitted twice to the CCE by post, the second time marked specifically as a complaint for CCE to consider. Although I received an acknowledgement of receipt I have not received any subsequent correspondence. To my knowledge, no action was taken by the CCE regarding the alleged breach of Charities Regulations Guidance by the ICA. I believe that the ICA may have committed a serious breach of CCE guidelines and I do not have confidence that the CCE investigated this seriously. For this reason I believe the CCE may not have fulfilled its statutory obligation to regulate Registered Charities.*

Alexander Adams, 9 March 2020

ⁱ FOOTNOTES: "The objects for which the Company is established are to promote the education of the community by encouraging the understanding, appreciation and development of the arts generally and particularly of contemporary art as expressed in painting, etching, engraving, drawing, poetry, philosophy, literature, drama, music, opera, ballet, sculpture, architecture, designs, photography, films, radio and television of educational and cultural value". (Article 3(i), Memorandum of Association, 22 July 1947, after amendment)

ⁱⁱ Section 1.1, *Campaigning and political activity guidance for Charities*, Charity Commission, 1 March 2008. <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>

ⁱⁱⁱ Since 2013 the ICA has averaged a million a year from the Arts Council of England – £1,025,147 this year, plus £93,940 from the Heritage Lottery. In 2010 it received a special £1.2 million bail-out in order to rescue it from insolvency. The Arts Council of England is described variously in the ICA's annual accounts as 'principal funder' and 'principal supporter'.