Transparency and accountability of foundations and charities:

a study of whether large US and UK charities and foundations have open meetings

Caroline Fiennes, Emma Masheder,
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“The disinfectant of sunlight...”

From a school wall in Zimbabwe, tweeted by Melinda Gates

About The Organisations

**Giving Evidence** is a consultancy and campaign, promoting charitable *giving* based on sound *evidence*.

Through consultancy, Giving Evidence helps donors and charities in many countries to understand their impact and to raise it. Through campaigning, thought-leadership, research and meta-research, we show what evidence is available and what remains needed, what it says, and where the quality and infrastructure of evidence need improving. Our work often re-frames the debate: for instance, our research showing that higher-performing charities have spent *more* on administration than weaker ones do is quoted often and in many places.

Giving Evidence was founded by Caroline Fiennes, a former award-winning charity CEO, and author of *It Ain’t What You Give*. Caroline speaks and writes extensively about these issues, e.g., in the Financial Times, Stanford Social Innovation Review, and Freakonomics. She is on boards of The Cochrane Collaboration, Charity Navigator (the world’s largest charity ratings agency) and The Life You Can Save.

**Feedback Labs** is a group of like-minded organisations committed to the belief that regular people—whether we call them beneficiaries, constituents, or citizens—should be driving the policies and programs that affect them.

While many aid and philanthropy organisations aspire to listen to those they seek to help, most are not designed to field and respond with agility to feedback from their constituents.

Funding from FeedbackLabs enabled this work.
1 Summary

Charitable foundations and nonprofits all exist to serve ‘the public good’ (i.e., constituencies beyond their own teams) and most get tax subsidy for doing so. Yet the public, or even just their intended beneficiaries, often have few if any ways that they can find out how those charities and foundations decide what to prioritise, or to ask questions or hold them to account.

This is in contrast to the ways in which the public can see and question people in public office who are spending their taxes, as well as ways in which shareholders can see and question the management of companies who are deploying their capital.

This is about accountability and transparency. Nonprofits are normally only accountable to their boards – there is normally no obligation to have a mechanism for accountability to the people they seek to serve. At least in the US, those boards are increasingly dominated by wealthy people in finance, who obviously are completely different from many nonprofits’ intended beneficiaries and may not understand them well.

One easy mechanism for nonprofits to be accountable and transparent to their intended beneficiaries and the tax-payer who subsidises their work is to hold some decision-making meetings in public, and to allow the public to ask questions. Why should, say, people with cancer not be able to hear the discussions of the big cancer charities about how best to serve them? Public meetings are not unheard of in the charitable sector – before we started this study, we knew of one foundation and one charity which holds them, the City Bridge Trust and Global Giving UK respectively – but we suspected that they are rare.

We decided to investigate how common these public meetings are amongst foundations and charities – simply by calling up the 20 biggest operating charities and 20 biggest foundations in both the US and the UK and asking if they hold them.

We were right: they are rare. Of the 82 organisations we called (an additional two crept into the sample), the number which have meetings that the public can attend is just two. The responses indicated that few charities and foundations think that they ought to be accountable to the public: One foundation representative said outright: “We are accountable to ourselves, not [to] the public. They do not fund us.” We would dispute the veracity of that last sentence.

Our purpose here is not to moan or cast blame, but to raise the issue and suggest some ways that charities and foundations can be more accountable and transparent to those who fund them. We are open to your feedback – and to working with you on this important matter.

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1 We use ‘foundation’ to mean grant-giving entity. The terms ‘charity’ and ‘nonprofit’ are used here interchangeably, and to mean operational entities. We are of course aware that charitable foundations in the UK are normally registered and regulated as charities. Unlike US law, UK law does not distinguish between ‘public charities’ and ‘private foundations’.
Box 1: Possible mechanisms for charities and foundations to be more transparent and accountable

We have seen the following used in various sectors, which might be useful and constructive for (more) charities and foundations to adopt:

- **Inviting the public to observe discussions and decision-making meetings.** This is what happens across UK local government, and is what the City Bridge Trust does. The National Institute of Health and Care Excellence is another example: its six Board meetings per year are all open to the public and held in various locations across the country.

- **Holding open public meetings,** such as an AGM open to anybody. This is what Global Giving UK does (See Box 5).

- **Hold an AMA (Ask Me Anything).** These can be physical meetings, or held on Twitter or other social media. For example, President Obama has done an AMA online, as has physicist Stephen Hawking.

- **Collecting (and publishing) feedback from grantees.** Some foundations ask their grantees – and some also their unsuccessful applicants – for feedback through the Grantee Perception Report and Declined Applicant Perception Report by the Center for Effective Philanthropy or other surveys. Some of these foundations publish their reports. This is a great step, though clearly such surveys do not allow the respondent to ask questions of the foundation, and the public / intended beneficiary is not consulted at all.

- **Publishing transcripts of all board meetings.** GiveWell, a US charity analyst, does this.
2 Introduction

Suppose that you get poor treatment from (taking a charity at random) Marie Curie Cancer Care. How can you ensure that the senior management of that charity hear of your experience and of others like it? Or suppose that you didn’t get any care at all because that charity hasn’t prioritised the area where you live or type of need that you have. How can you question that decision? Or suppose that you didn’t get any care at all despite being in the relevant area and having the relevant need. How can you tell the charity that some ostensibly priority cases are somehow being overlooked? For most charities, you can’t. This seems to us not good enough.

This is in stark contrast to the norm / requirement in the private sector. Here, listed companies have an Annual General Meeting which is normally open to any shareholder (i.e., any person or organisation whose capital the company is deploying) at which directors account for their decisions and performance, and the shareholders can ask them questions. By contrast, almost all charities and foundations have all their meetings in private: only a very few seem to hold any decision-making meetings in public. What’s to hide?

This is about transparency and accountability. All sessions of UK Parliament are open to the public (which funds it) as are all meetings of UK local government, and the deliberations of the UK health regulator, the National Institute for Health and Care Excellence. We of course realise that there are accountability mechanisms besides open meetings, but it seems striking to us that so few of charities’ ostensibly public-benefit meetings are visible to the ostensibly-benefitting public. Perhaps the intended beneficiaries of (say) a cancer care service aren’t getting what they need, and the service’s board needs to know that: It’s hard to hear from people if they’re not allowed in the room.

This research was simply to see how many of the biggest charities and foundations in the UK and US have meetings which the public can attend to hear from the management or trustees, and/or at which they can ask questions. We contacted the biggest 20 charities and foundations in both countries to ask whether they have public meetings; of the 67 who could answer, only one foundation in the UK and one charity in the US do (City Bridge Trust and The Nature Conservancy, respectively).

This research suggests that charities and charitable foundations, though subsidised by the public, are inaccessible and perhaps inadequately answerable to that public.

Though there are other accountability mechanisms too, public meetings might be a useful addition. They might prevent some of the problematic stories about charities on both sides of the Atlantic, such as the collapse of the UK charity Kids Company, and the allegation that the American Red Cross built only six homes in Haiti with the $488m received.
Box 2: Two types of meeting

It is useful to distinguish between two types of meeting:

1. Public meetings
These are open to anybody. Examples include: UK court proceedings, local government meetings, board meetings of the UK’s National Institute for Health and Care Excellence (NICE). We knew before this research started that the City Bridge Trust – an 800-year-old foundation based in the City of London, with the toll money from old London Bridge – has its grant-making meetings in public, in the Guildhall.

In the US there is a rich tradition of local “Town Hall” meetings, at which citizens can ask questions of accountable public figures.

2. Closed meetings for defined group of stakeholders
Some charities and foundations hold meetings which are open to particular groups of people, such as members or donors. For example the National Trust, the UK’s largest membership body, has an AGM open to just National Trust members. (This exclusivity seems somewhat at odds with the National Trust’s motto – ‘for ever, for everyone’vi.)

Box 3: Types of tax relief available to UK and US charitiesvii

UK: Charities are exempt from tax on most income and gains, including:
• on donations
• on profits from trading
• on rental or investment income, e.g., bank interest
• on profits from selling assets such as property or shares
• when buying property
They get an 80% discount on business rates for non-domestic property, and some special VAT treatment.

US: Benefits of tax-exempt status available to US nonprofits:viii
• exemption from Federal income tax
• tax-deductible contributions
• possible exemption from state income, sales, property (varies by state) and employment taxes
• ability to apply for grants and other public or private allocations available only to IRS-recognised, 501(c)(3) organisations
• reduced postal rates potentially higher thresholds before incurring federal and/or state unemployment tax liabilities.
3 Method and sample

Our method was simple. We called the 82 largest charities and foundations in the UK and US (20 of each in each country, plus an extra two charities in the US: selection process is described in Appendix 1) on their main published telephone number, and asked whether there are any meetings which members of the public can attend.

We followed a protocol for each phone call (see Appendix 2) to ensure consistency between the three people who made the calls. This involved explaining that - as members of the public - we were interested in finding out whether: a) members of the public are able to attend decision-making meetings and/or AGMs; and b) members of the public are able to ask questions at such meetings. We recorded how many people we spoke to before we obtained a definitive answer; and called each charity or foundation a maximum of three times in cases where there was no answer or the relevant person was not available. In some cases, we had to ask via the organisation’s online ‘Contact Us’ form because the person we spoke to either did not know the answer, or referred us to the form.

Though our sample is small relative to the large numbers of charitable organisations in existence, our sample represents $14 billion of annual spend by the US foundations alone. Our method is not foolproof - possibly the person on the phone provided inaccurate information - and we therefore tried to verify what they said by comparing it with what is published on the organisations’ websites.
4 Results

The findings are summarised below.

**Key findings**

<table>
<thead>
<tr>
<th></th>
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<th>US Fdn</th>
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</thead>
<tbody>
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<td>20</td>
<td>22</td>
<td>20</td>
</tr>
<tr>
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<td>3</td>
<td>4</td>
<td>8</td>
<td>6</td>
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<td>Meetings open to trustees / staff only</td>
<td>15</td>
<td>14</td>
<td>14</td>
<td>12</td>
</tr>
<tr>
<td>Public are able to ask questions during open meeting</td>
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<td>0</td>
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</table>

**Key findings on charities and foundations**

**Ability to answer the question**

**UK:** Of the 33 organisations we were able to speak to, in 25 cases (12 charities and 13 foundations), the person who answered the phone provided a definitive answer. In the remaining seven cases (four charities, three foundations), we needed to talk to 2-5 people to get a conclusive answer - in each of those seven cases, we had to contact a specialist department such as Fundraising or Communications because General Enquiries / Reception was unable to provide an answer.

**US:** The question seemed to be harder to answer in the US. In total we spoke to 28 organisations, for fewer than 30% of which (eight charities, four foundations) did we obtain a definitive answer by talking to one person. Again, we often had to speak to a specialist department.

**Reactions to the question**

Overall, staff we spoke to were surprised, but not entirely dismissive, of the idea of enabling the public to attend meetings where crucial decisions are made. This was particularly true of charities, where in the UK a handful of the charities contacted (four, or 20% of the sample) expressed that while open meetings were not something the charity did at present, it was an interesting idea.²

²This question was not part of the protocol so was not answered by all of the sample. The views referred to here were given without prompt.
However, we found both UK and US foundations to be reluctant to engage in discussion, and have little interest in making some decision-making meetings public. Most (12) of the UK foundations, when prompted, said that this was in part due to them being funded through private donors, and therefore not required to answer to the wider public – a view also shared by two charities. According to one foundation representative: “This [holding open meetings] is not something we would do; it sounds like something for a public body with public money, which we are not.” Though foundations notionally act in the public interest, they do not seem to self-identify as public organisations due to the source of (most of) their funds.

At least three US foundations expressed similar reasons for not holding open meetings, best summarised by the following: “We are a private foundation, so unlike a publicly traded company or public charity, these meetings are not open to the public”. Many of the US charities similarly expressed a view that the public would either have no interest in the internal discussions of the organisation, or that, as a private entity, they did not involve or had not traditionally involved the public in decision making meetings. A few (three) US nonprofits had volunteers manning the phone lines with varying degrees of structural institutional knowledge.

One US foundation stated that as a private foundation it did not hold its meetings in public, and one charity was clearly reluctant to answer our questions.

The answers
The findings are significant, but perhaps not all that surprising.

i) Public meetings are very scarce. Of our sample of 82 organisations, public meetings are only held by one foundation (City Bridge Trust) and zero charities in the UK; one charity (The Nature Conservancy) and zero foundations in the US.

The Nature Conservancy’s meetings are conducted in a “Town Hall” format across the charity’s local offices in the US: they are not national level open meetings. Further, due to the lack of uniformity in procedures across the offices, we are unable to say whether the public are allowed to ask questions at these meetings, so have classified this answer as “no”.

That only two organisations (said that they) hold open meetings (2/82, or 2.4% of the sample) suggests a serious lack of visibility and willingness to engage the public.

ii) Stakeholder meetings are a shade more common. Four organisations reported holding meetings open to specific groups of people besides their Trustees: three charities and one foundation. These are:
   a. (UK) Garfield Weston Foundation – Shareholders of the company which it owns
   b. (UK) British Red Cross – Volunteers
   c. (UK) British Council - Members (Membership of the British Council Association is open to current and former staff, or associates who have engaged with the British Council and/or share an interest in its objectives. It costs £15 per annum and requires potential members to fill out an application form online)
   d. (US) American Red Cross – Volunteers.

The US YMCA allows any member of the public to submit a letter containing their questions or comments to the local chapter for inclusion at the next local board meeting. The author of the letter is invited to attend the meeting where the letter is opened and where the board will discuss the question.
Closed meetings can involve a level of participation. In each case that we found, the eligible stakeholders could submit questions to the meetings in advance, with the possibility of these being answered during the meeting.

Most organisations sampled told us that their meetings are only open to staff and trustees (29 in the UK and 26 in the US).

iii) **Charities and foundations use other forms of transparency and accountability.** The organisations we spoke to cited various other mechanisms which they feel provide accountability to the public. Over half the UK sample (21) made a proactive reference to either a complaints or enquiries procedure, split relatively evenly between charities (11) and foundations (10). However, of these, two foundations were explicit in saying that these channels were open to grant applicants only. In the US, fewer than half (16) of the organisations made a proactive reference to such a procedure, most of which (10) were foundations. Other mechanisms included conferences, and organised tours and visits. Some organisations referred to the publication of minutes and Annual Reports as a mechanism to allow the public to scrutinise their activities and hold them to account.

**Box 4: The City Bridge Trust**

The City Bridge Trust (CBT) has one trustee, the Corporation of London, the (quirky) government authority responsible for the City of London (“the square mile”), which appoints CBT’s board. Like all parts of UK local government, the Corporation holds all its meetings in public, and hence members of the public may attend CBT’s Grants Committee meetings which occur between 6-10 times per year to discuss grant funding applications and awards. Members of the public are not allowed to ask questions in this forum. According to Principal Grants and Social Investment Officer Tim Wilson, public attendance tends to be confined to grant applicants and the occasional researcher. [One of us, Caroline Fiennes, once ran a UK charity which applied to CBT, and, since their work was quite radical, being able to hear how the application was perceived and debated by a very historic foundation – indeed, any foundation – was illuminating, interesting and helpful.]
Box 5: Global Giving UK’s public AGMs

We knew before we began that the online platform Global Giving UK3 holds a public Annual General Meeting at which members of the public can ask questions.

Eleanor Harrison is CEO and says that “It is not surprising that very few charities hold public meetings, but it is a real shame”.

Global Giving is an online marketplace which allows donors to find and fund grassroots projects that appeal to their specific interests. The platform connects donors to projects in more than 100 countries, whilst providing support to its charity partners and ensuring donors are provided with quarterly project updates. Global Giving UK was established in 2008 and employs a team of five with minimal overheads. A commitment to facilitating public trust in charities and their work is central to Harrison’s ethos: Global Giving’s role in providing a genuine value addition to this relationship is taken very seriously.

“We want people to ask us questions and make us question every aspect of our work – this is how organisations evolve and improve”, she says of the public AGM, which sees donors, recipients and a handful of interested members of the public come together to watch presentations from project members, listen to a statement of the organisation’s finances, ask questions, and provide feedback on how Global Giving UK serves its stakeholders. Harrison admits that at this year’s AGM in February 2016 she was disappointed that most questions were about specific projects rather than Global Giving UK as an organisation: “We’re ready to answer – or at least try to answer. Sometimes I’ll have to ask someone to bear with me and I will contact them with a definitive answer after the meeting.”

Time for questions is short however, and many attendees found their questions unanswered. One volunteer working in a project in India felt that the meeting was too focused on project presentations, leaving insufficient time for scrutiny of the organisation’s operations and decisions about ongoing capacity support to projects. “I would have liked to hear a bit more about what is going less well: Global Giving is a real innovation and we want to be part of that learning journey.”

Another attendee, a private donor, said that donors would feel more comfortable if the AGM helped explain how project reports were collated and analysed: “As the middle man, so to speak, Global Giving UK is in a really important position when it comes to accountability between donor and project, and these reports are central to that process.”

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3 Disclosure: Global Giving UK is related to the US-based Global Giving, one of whose co-founders later founded and runs FeedbackLabs which funded this study.

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Skelm is Afrikaans slang for rascal, villain.
5 Discussion and recommendations

The findings of this simple exercise suggest a problem: that charities and foundations feel little or no compulsion to allow members of the public, who subsidise them, to see or participate in their decisions. We appreciate that charities and foundations use other accountability mechanisms, though few are as good as dialogue or openness.

This closure to the public is in marked contrast to developments in recent decades in the public sector: the introduction of cameras in the House of Commons and House of Lords; making Hansard (the record of all discussions in Parliament) available online; Freedom of Information Acts; etc. All these were opposed on the grounds that they would somehow impede democracy – MPs objected that televising parliamentary debates would bring Parliament into disrepute. All these objections now sound rather ridiculous.

We do not think it outlandish to suggest that the current lack of public meetings and accountability mechanisms in the charitable sector is not an ideal or indeed optimal way of conducting charitable work.

Open meetings are not normal in the charitable sector. Public meetings that allow the public to scrutinise, question, and hold to account decision-makers who are responsible for allocating (varying levels of) public funds do not figure in the organisational set-up and ethos in all of our sample, bar two. There is little expectation of public accountability on the part of staff: many of our phone calls aroused suspicion, surprise or confusion at the question being posed. Reasons for not holding open meetings included never having done it and there being no compulsion for a nonprofit, non-governmental organisation to hold public meetings.

Our findings suggest a need for a reasoned discussion on whether and when the public should compel charities and foundations to hold open meetings.

Clearly holding public meetings is not free, and we are not suggesting that every single charitable entity be required to hold them; most of the 180,000 registered charities in the UK and a million in the US have zero staff. Rather, we suggest requiring organisations with budgets over a certain threshold to hold such events – that threshold might be £1m or $1m, and clearly it might move over time.

It is not enough to hold meetings which are only open in theory. Rather they need to be adequately advertised and reasonable notice given.

“Opening up” can be scary. But without strong transparency and accountability, operating charities and charitable foundations are likely to make more bad decisions, and lose legitimacy and goodwill in the eyes of the public, as well as give up the opportunity to hear feedback which can help them improve.

A US election year is an odd time to be accused of taxation without representation.
Appendix 1: Selection and list of charities and foundations contacted

The selection of charities and foundations was based on published rankings on “giving”, i.e., amount spent on charitable causes.

Research sample

<table>
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<tr>
<th></th>
<th># UK</th>
<th>Source of the list of largest organisations</th>
<th># US</th>
<th>Source of the list of largest organisations</th>
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<td>Forbes website xi</td>
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<tr>
<td>Foundations</td>
<td>20</td>
<td>Association of Charitable Foundations (2015) xii</td>
<td>20</td>
<td>Foundation Center xix</td>
</tr>
<tr>
<td>Total</td>
<td>40</td>
<td></td>
<td>42</td>
<td>Overall total: 82</td>
</tr>
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</table>

Using the sources cited above, we took the top 20 foundations and charities in the UK and US ranked on annual “giving” (not income, or total assets). In the US, we included a further two following a lack of response from our initial sample at the mid-point of the fieldwork. These remained in the sample.

Universities and colleges were excluded from the sample.

The sample size was not based on any calculation, other than the number we thought we could do with the (tiny) funds available.

Fieldwork was conducted during February 10th - April 29th 2016.

<table>
<thead>
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<th>UK charities</th>
<th>UK foundations</th>
<th>US charities</th>
<th>US foundations (state)</th>
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</thead>
<tbody>
<tr>
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<td>United Way</td>
<td>Bill &amp; Melinda Gates Foundation (WA)</td>
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<tr>
<td>The Save The Children Fund</td>
<td>Comic Relief</td>
<td>Salvation Army</td>
<td>Ford Foundation (NY)</td>
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<tr>
<td>Marie Stopes International</td>
<td>Children’s Investment Fund Foundation</td>
<td>Feeding America</td>
<td>Lilly Cares Foundation, Inc. (IN)</td>
</tr>
<tr>
<td>Lloyd’s Register Foundation</td>
<td>Garfield Weston Foundation</td>
<td>Task Force for Global Health</td>
<td>The Susan Thompson Buffett Foundation (NE)</td>
</tr>
<tr>
<td>The Arts Council of England</td>
<td>Leverhulme Trust</td>
<td>YMCA of the USA</td>
<td>The William and Flora Hewlett Foundation (CA)</td>
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</tr>
<tr>
<td>Nuffield Health</td>
<td>Royal Society</td>
<td>Goodwill Industries International</td>
<td>Foundation to Promote Open Society (NY)</td>
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<tr>
<td>Cancer Research UK</td>
<td>BBC Children In Need</td>
<td>Food for the Poor</td>
<td>Silicon Valley Community Foundation (CA)</td>
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<td>The National Trust for Places of Historic Interest or Natural Beauty</td>
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<td>Direct Relief International</td>
<td>The Robert Wood Johnson Foundation (NJ)</td>
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<td>Shell Foundation</td>
<td>American Cancer Association</td>
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<td>World Vision</td>
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<td>Esme Fairbairn Foundation</td>
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<td>Habitat for Humanity International</td>
<td>Gordon and Betty Moore Foundation (CA)</td>
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<td>Grace Trust</td>
<td>Compassion International</td>
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<td>Clore Duffield Foundation</td>
<td>Catholic Charities</td>
<td>Richard F. Aster, Jr. Foundation (DE)</td>
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<td>Henry Smith Charity</td>
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<td>Nuffield Foundation</td>
<td>Lutheran Services in America</td>
<td>Greater Kansas City Community Foundation (MO)</td>
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<td>The Nature Conservancy</td>
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Appendix 2: Protocol for phone calls

The research for this project was undertaken by three callers (two in the UK; one in the US), using the following protocol:

Protocol for the calls
It is important that all the ~80 calls be handled the same way, in order that we know that the data we collect are consistent. Please do the following for each call:

• Call the organisation’s main number.

• Say something like the following: “Hello. I wonder if you can help. I’m just calling to ask whether [your organisation] has any of its decision-making meetings in public … whether a member of the public can attend any of the board meetings, or management meetings or other decision-making meetings to observe them, or to ask questions.” You may need to then explain “Well, some foundations have their grant-making meetings in public, such as the City Bridge Trust in London. Anybody can go and hear the discussion. Or some charities have a public Annual General Meeting, to which anybody can go and ask a question of the management team or the board. I’m just interested in whether [your organisation] does that, and if so, when and where those meetings are and how somebody can attend”. You will probably get passed to somebody else. In which case, you say it all again.

• You are a member of the public and are interested. You are not a journalist. Other than that, just be polite and don’t lie.

Please record the following information in the spreadsheet:

• If they do have a such meetings, please ask and record:
  - Date, time and location of the meeting
  - Whether you have to say in advance that you’re going (and how, since we might actually go / send somebody)
  - How frequently such meetings happen
  - Whether the public simply can listen, or can ask questions
  - If you can ask questions, do you have to submit them in advance
  - What the organisation publishes about the meeting afterwards, e.g., transcript, recording, minutes - and where you can find that (Please check that you can find it, whilst the person is on the phone)
  - Name and title of the person who told you this information, and the date of your call
  - The number of people you spoke to before you got a definitive answer
• If they don’t have such meetings, please ask and record:
  
  - Whether the organisation has considered having public meetings? If so, why did they decide against having them?
  
  - Name and title of the person who told you this information, and the date of your call
  
  - The number of people you spoke to before you got a definitive answer
  
• If they don’t know, please record:
  
  - Name and title of the person who told you this information, and the date of your call
  
  - The number of people you spoke to before you got a definitive answer

Please also record, for each call, if they say anything else interesting, e.g., that they are thinking about doing this, or that they’ve never heard of such a thing.
References


vi National Trust. https://www.nationaltrust.org.uk/


x Charity Commission online statistics. apps.charitycommission.gov.uk [Accessed: 02.02.16].

