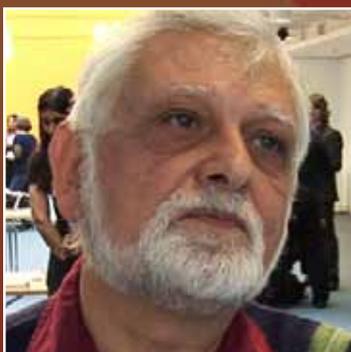


The Compact & You

A guide for the Black
& Minority Ethnic voluntary
& community sector



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In a time of rapid public policy change and spending cuts it is essential that Black and Minority Ethnic voluntary and community sector organisations (BME VCOs) are well equipped to influence the decisions of public bodies. Voice4Change England supports and champions the Compact, as a key tool for BME VCOs to strengthen relationships with government and challenge poor decision making.

Following the success of the first edition of *The Compact & You*, we have developed this second edition to reflect the changes made to the national Compact in December 2010. The Compact now recognises the important role that equality groups, including BME VCOs, play in developing communities on the margins of society. Along with this Voice4Change England is pleased to see it has been bolstered by accountability measures and aligned with the Single Equality Act 2010 which will strengthen its implementation by government.

Our work on the Compact has led to a noticeable increase in the implementation of the Compact amongst BME VCOs particularly as a channel for challenging unfair decisions made against them. However the reality is that many BME VCOs are still falling foul of poor policy making particularly in these times of change. It is now more than ever that BME VCOs need to be proactive to ensure they are actively engaged in policy development arenas to shape policy and programmes for the benefit of disadvantaged communities.

We urge BME VCOs to use the support and toolkits provided by organisations including Voice4Change England, Public Law Project, NAVCA, and NCVO through the Compact Advocacy Project.

Vandna Gohil, Director at Voice4Change England



This guide supports Voice4Change England’s programme of training for BME VCOs on the Compact and Public Law. We have delivered training sessions since May 2010 across the country. The training provides BME VCOs with the skills and knowledge to use the Compact and Public Law to strengthen their relationships with public bodies (such as local authorities) and to challenge unfair decisions made by such bodies. This is what some of the participants attending the training have said:

“I thoroughly enjoyed the course – it was well structured and very informative.”

“I am so happy that I attended the workshop. I would definitely recommend to other organisations.”

“Excellent training workshop.”

“Would be more confident in using the Compact. Very Helpful.”

Details of future training sessions can be found at www.voice4change-england.co.uk.

The guide provides a background on the national Compact and its key commitments; how the Compact is relevant to the BME voluntary and community sector (VCS); and gives advice on how BME VCOs can use the Compact in their day to day relationships with public bodies including how to hold a public body to account where an unfair decision has been made. This updated edition includes more key tips on how BME VCOs can effectively use the Compact and good practice case studies where BME VCOs have successfully used the Compact to improve their relationships with public bodies.

Although the focus of this guide is on the national Compact it can also be used to understand and use local Compacts.

This guide refers briefly to the links between the Compact and Public Law. For more detailed information on Public Law principles and how to use them refer to the *A short guide to using Public Law guide*.

List of Abbreviations

- BME**Black and Minority Ethnic
 - CSOs**Civil Society Organisations
 - NAVCA**National Association for
Voluntary and Community Action
 - NCVO**National Council for Voluntary Organisations
 - NDPB**Non-Departmental Public Body
 - VCO**Voluntary and Community Sector Organisation
 - VCS**Voluntary and Community Sector
-

Chapter 1

Introduction to the Compact



What is the Compact?

The Compact is an agreement between government and the voluntary and community sector (VCS) in England to help them work together better. It identifies shared values and outcomes and sets out commitments for each party. Following the Compact can lead to the achievement of shared goals for communities and individuals.

Who does it apply to?

The Compact applies to government and voluntary and community sector organisations (VCOs) - referred to in the national Compact as civil society organisations (CSOs).

Government includes Central Government and their associated Non-Departmental Public Bodies (NDPBs)¹, Arms Length Bodies² and Executive Agencies³. VCOs include charities, social enterprises and voluntary and community groups.

National Compact

Central Government and all NDPBs signed up to the Compact in 1998. The Compact was updated in 2009 and renewed again in December 2010 to reflect a changing social, political and economic environment.

The renewed Compact is now a short and concise single document. It is accompanied by an *Accountability and Transparency Guide*⁴, which outlines the government's plans for ensuring stronger implementation of the Compact.

To find out more turn to the [Holding government to account section at page 6](#).

Local Compacts

Over the last ten years, local authorities were encouraged to agree local Compacts for working with VCOs in their area. The majority of top-tier authorities now have local Compacts.

Local Compacts vary slightly from area to area to reflect local issues and partnership agreements.

Most BME VCOs are small locally based organisations so local Compacts are very important. Local Compacts can be used to strengthen partnership between locally based BME VCOs and local public bodies such as local authorities, health authorities and the local constabulary.

¹An NDPB is a national or regional public body, working independently of ministers to whom they are nevertheless accountable. They are not staffed by civil servants. Examples of NDPBs include the Equality and Human Rights Commission and Big Lottery Fund.

²Arms Length Bodies are national organisations that stand alone but are sponsored by government departments. Examples of Arms Length Bodies include the Care Quality Commission and the Health Protection Agency.

³An Executive Agency is an agency of the executive branch of government. Examples of Executive Agencies include the Planning Inspectorate and the HM Prison Service.

⁴The Compact – Accountability and Transparency Guide, HM Government (December 2010). The Guide is downloadable from www.compactvoice.org.uk.

Is the Compact legally binding?

The short answer to this question is “no”.

One of the most fundamental aspects of the Compact is its voluntary status. This means that it is not legally binding. Instead, the authority for the Compact comes from the fact that both parties to the Compact – the government and the VCS – have signed up to its principles and commitments as a moral agreement.

However, the Compact is underpinned by Public Law principles, which set out how public bodies are lawfully obliged to behave. Government has signed up to the Compact creating a ‘legitimate expectation’⁵ that it will abide by the commitments. Thus failure to comply with the Compact could be seen as a breach of Public Law, and enforceable in a court of law.

R (Berry) v Cumbria County Council

“It seems to me that the Compact was more than a wish list but less than a contract. It is a commitment of intent between the parties concerned.”

Taken from paragraph 44 of the judgment made by His Honour Judge Mackie in the above case. (November 2007)

For more information about Public Law principles and how to implement them please see the supplementary Public Law guide⁶.

Holding government to account

The *Accountability and Transparency Guide* published alongside the Compact, outlines accountability measures introduced by the government to ensure consistent and stronger implementation of the Compact. It also explains what to do if you feel government is not complying with the Compact, including exploring dispute resolution, internal complaints procedures and ombudsman functions.

Specific measures include:

- 1 In 2011-12 the National Audit Office will undertake a one-off study into the operation of the Compact across government and its agencies. The final report will be made to Parliament.
- 2 From 2012-13, government departments will be required to include a statement in their business plans on how the Compact is being implemented.
- 3 The Informal Ministerial Group on the Big Society and Localism will be instrumental in monitoring the progress of the Compact as well as being a key forum for raising concerns or dealing with breaches.
- 4 The Parliamentary Ombudsman will investigate on behalf of complainants in cases in which the Compact has not been upheld. If the complaint is upheld the Ombudsman will make recommendations for the appropriate remedy to the relevant department. (As mentioned at page 5 some Compact breaches may also be actionable within a court of law under Public Law. You should seek specialist advice where you feel that this may be the case in order to determine the most appropriate course of action.)

⁵ Where a public body has issued a promise or adopted practice which represents how it proposes to act in a given area, the law will require that promise or practice to be honoured. The promise or adopted practice creates a legitimate expectation that it will be honoured by the public body.

⁶ A short guide to using Public Law, Empowering the Voluntary Sector Project. The guide can be downloaded from www.navca.org.uk/evs.

Chapter 2

The Compact & the BME VCS

The BME VCS

Voice4Change England defines BME VCOs as organisations that:

- 1 have a **majority of the members of its governing body from BME communities** in England; and
- 2 are voluntary and community organisations, charities and other forms of social enterprise for public and community benefit whose **constitutions prohibit the distribution of surplus funds.**

Role of the BME VCS

The BME VCS plays a key role in **tackling race inequalities** through a range of activities including:

- Cultural, social and economic support programmes for younger, older and disabled people.
- Advocacy and advice on legal issues, immigration, race equality and equal opportunity in employment issues.
- Health services including support programmes on mental health issues and to help communities access mainstream health provision.
- Welfare and economic support services.
- Supplementary schools, education and training.
- Day care community centres.

The BME VCS is able to reach communities that others cannot and do not reach. It combines creativity, flexibility and commitment to meet the changing needs of BME communities. It also plays an active role in advocating changes in the policies and practice of generic service providers.

Specific issues faced by BME VCOs

BME VCOs face many of the same challenges as other VCOs but in particular:

- Have long campaigned to tackle racism, inequality and exclusion but these problems still persist.
- Have been historically under-funded and have relied to a greater extent than other VCOs on government funding and grant funding.
- Face specific barriers in the commissioning process.
- Are excluded from effective engagement and VCS structures due to limited capacity and under representation. Organisations are often detached at government and mainstream level.
- Are undervalued and the need for their services unrecognised.
- Have different expertise and needs yet race is often treated as a homogenous issue.

How can the Compact help to resolve these issues?

By using the Compact BME VCOs can:

- Achieve strengthened working relationships between government and the BME VCS.
- Achieve informed policy decisions based on the expert knowledge of frontline and grassroots community organisations.
- Achieve better services that reflect the needs of your users and beneficiaries.
- Facilitate involvement in local decision-making processes at a local level.
- Tackle inequality and discrimination in funding relationships with government and in consultation for policy, programme and service design.
- Provide recourse to challenge funding decisions and ultimately strengthen relations with funders.
- Provide recourse to challenge unfair practice by government.
- Provide recourse to Public Law remedies.

Chapter 3

Outcomes & commitments

Compact outcomes

Government and VCOs have agreed a set of outcomes that they want to see delivered as a result of effective partnership working. Both parties agree to work towards achieving the following outcomes:

- 1 A strong, diverse and independent civil society.**
- 2 Effective and transparent design & development of policies, programmes and public services.**
- 3 Responsive and high quality programmes and services.**
- 4 Clear arrangements for managing changes to programmes and services.**
- 5 An equal and fair society.**

Compact commitments for government

The Compact sets out a number of commitments for both government and the VCS to help develop effective partnerships and achieve the outcomes highlighted above.

In the next section we look at some of the key commitments under each outcome of the Compact and illustrate how they can be used through case studies and examples. Please note these are only a selection of key Compact commitments.

For the full document visit www.compactvoice.org.uk.



Outcome 1

A strong, diverse and independent civil society

This outcome recognises the importance of safeguarding the independence of the VCS and ensuring that it is supported appropriately to fulfil its aims and achieve positive outcomes for all.

Key government commitments:

- Respect and uphold the independence of CSOs to deliver their mission, including their right to campaign, regardless of any relationship, financial or otherwise, which may exist. **(1.1)**
- Ensure that the Government collectively (through the Cabinet Office) recognises the need to resource national and local support and development organisations in order to assist CSOs with their capacity and capability to deliver positive outcomes. **(1.3)**
- Ensure greater transparency by making data and information more accessible, helping CSOs to challenge existing provision of services, access new markets and hold government to account. **(1.4)**
- Consider a range of ways to support CSOs, such as enabling greater access to state owned premises and resources. **(1.5)**



KEY TIPS for BME VCOs using the above commitments

- When challenging government policy try to do so constructively, by focusing on the needs of service users. Be clear about who you represent and how you came to your views. Be solution focused and suggest alternatives.
- Remind government that improved policies and services that are achieved through open debate can help both the government and VCS meet their objectives, creating better outcomes for people and communities.
- Request relevant information from government, for instance to help you understand how a decision has been made or how a resource has been allocated. If it fails to produce such information without good reason you may use the Freedom of Information Act 2000 to ensure the information is received.
- If you are an infrastructure support organisation make clear to government what your functions are and how you provide support to VCOs to enable them to fulfil their objectives for the benefit of communities.

Outcome 2

Effective and transparent design and development of policies, programmes and public services

The commitments under this outcome aim to enable effective and meaningful consultation and engagement by government in the design and development of new policies, programmes and public services. It can help BME VCOs to get involved in policy and programme development, and to ensure their voices are heard in decision making.

Key government commitments:

- Ensure that social, environmental and economic value forms a standard part of designing, developing and delivering policies, programmes and services. **(2.1)**
- Consider the social impact that may result from policy and programme development, and in particular consider how these would impact local efforts to inspire and encourage social action and to empower communities. **(2.2)**
- Work with CSOs from the earliest possible stage to design policies, programmes and services. Ensure those likely to have a view are involved from the start and remove barriers that may prevent organisations contributing. **(2.3)**
- Give early notice of forthcoming consultations, where possible, allowing enough time for CSOs to involve their service users, beneficiaries, members, volunteers and trustees in preparing responses. Where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and rationale for shorter time-frames or a more informal approach. **(2.4)**
- Assess the implications for the sector of new policies, legislation and guidance, aiming to reduce the bureaucratic burden, particularly on small organisations. **(2.6)**

KEY TIPS for BME VCOs using the above commitments

- Look out for consultations and updates from government. These will be advertised on government department websites and in the media. Voice4Change England and local infrastructure organisations often include details of key consultation in their newsletters.
- When you are aware that government is consulting on a proposed policy, programme or service which concerns your organisation and its beneficiaries, step forward and declare your interest in becoming involved in the development stages. Make clear who your beneficiaries are and why it is important for government to consult with you. If you do not have the capacity to do this yourselves think about speaking to a local infrastructure organisation or other similar organisations to see if you can save time and resources by jointly representing your concerns.
- Ask for feedback from government to explain how respondents to a consultation have influenced a decision. Speak out if you feel you have not been consulted properly about a change that affects you or if you feel your views have not been considered.
- Remind government that tackling inequality and recognising the needs of diverse communities adds social and economic benefits and should be incorporated within the design and development of policies, programmes and services. Government has certain duties under equalities legislation to work towards eliminating unlawful discrimination. To find out more turn to the *An Equal and Fair Society* section at page 16.
- Ensure government is aware of the need and value of specialist services and the social impact on disadvantaged and marginalised communities of not having such services.

CASE STUDY: Tackling specific issues of inclusion in decision-making

Research conducted by Sheffield City Council found that people from BME communities were more likely to have planning permission refused – 18% of their applications were refused, compared to 6% of applications from the White British population. To help to address this imbalance, Planning Aid Yorkshire and Integreat Yorkshire (a regeneration centre of excellence within the Regional Development Agency, Yorkshire Forward) ran a project, Planning for BME Communities. This two-year project aimed to increase awareness of planning, improve planning applications and boost participation amongst BME communities in Yorkshire.

The project included training, consultation events, workshops and activities to build local capacity and opportunities for residents to engage with the planning system in six council areas. The project aimed to break down complex planning documents for BME audiences and communicate their contents clearly. It also aimed to create resources to help the planning system connect with 'hard-to-reach' groups. For instance, by increasing understanding amongst professionals on how to engage people from BME communities, and improving networks between planning departments, equality and diversity officers and VCOs. Sessions were run in community venues and schools to raise awareness of the planning system and to debate potentially contentious planning decisions. As a result of the project, Bradford Metropolitan Borough Council in particular improved its BME involvement practice and implemented a "consultation log" to show how communities had been engaged in planning.

A conference held at the end of the project arrived at the following recommendations:

- Engage at the most local level.
- Use consultation materials that make the impact of plans on communities clear.
- Use a variety of methods of communication.
- Run capacity-building events before formal consultation.

Specific recommendations for local authorities include:

- Improve joint working between council departments.
- Take a more flexible approach to timeframes for consultation.
- Improve planning training for local councillors and agents.

For more information visit:

www.integreatyorkshire.com/planning-for-bme-communities.htm

Case study provided courtesy of a BME Implementation Guide advisory board member⁷.

⁷ The BME Implementation Guide advisory board was established in May 2010 to develop an implementation guide which provided a clear interpretation of how the commitments in the refreshed Compact relate to the BME VCS. The advisory board was made up of representatives from the BME VCS at national, regional and local levels and from government departments.



Outcome 3

Responsive and high-quality programmes and services

The commitments under this outcome aim to ensure fairness, openness and transparency within funding and commissioning processes as well as ensuring opportunities are open to all VCOs to deliver public services.

Key government commitments:

- Consider a wide range of ways to fund or resource CSOs, including grants, contracts, loan finance, use of premises and so on. Work to remove barriers that may prevent CSOs accessing government funding, thereby enabling smaller organisations to become involved in delivering services where they are best placed to achieve the desired outcomes. **(3.2)**
- Ensure transparency by providing a clear rationale for all funding decisions. **(3.3)**
- Commit to multi-year funding where appropriate and where it adds value for money. The funding term should reflect the time it will take to deliver the outcome. If multi-year funding is not considered to be the best way of delivering the objective, explain the reasons for the decision. **(3.4)**
- Ensure well managed and transparent application and tendering processes, which are proportionate to the desired objectives and outcomes of programmes. **(3.5)**
- Agree with CSOs how outcomes, including the social, environmental or economic value, will be monitored before a contract or funding agreement is made. Ensure that monitoring and reporting is relevant and proportionate to the nature and size of the opportunity. Be clear about what information is being asked for, and why and how it will be used. **(3.6)**
- Ensure equal treatment across sectors, including reporting and monitoring arrangements, when tendering for contracts. **(3.7)**
- Recognise that when CSOs apply for a grant they can include appropriate and relevant overheads, including the costs associated with training and volunteer involvement. **(3.8)**
- Ensure all bodies distributing funds on the Government's behalf adhere to the commitments in this Compact. This includes the relationship between prime contractors and their supply chains. Demonstrate how funding arrangements and financial support can allow smaller and specialist providers to play a greater part. **(3.11)**



KEY TIPS for BME VCOs using the above commitments

- Engage with funders and commissioners to ensure they understand your organisation, beneficiaries, your needs and the challenges you face within commissioning and funding processes. Offer to meet with commissioners or invite them to visit your organisation.
- Work in partnership with public bodies to plan and provide funding and commissioning workshops, if this is appropriate to your mission and beneficiaries.
- Make it clear what proportionate monitoring means and provide evidence for this.
- Be accurate, open and transparent about costs that you will incur when delivering a programme or service.
- Ask for reasons for specific funding decisions.

CASE STUDY: Equality Impact Assessment improves service delivery

A review of Fenland District Council's complaints service revealed that a significant number of Muslim residents from one area were concerned about the refuse service. A particular issue was the collection of refuse on Fridays, the Muslim holy day. By involving local residents and staff in discussions about the service, an agreement was reached to switch the collection day in that area to Wednesdays. There have been no further complaints and residents have indicated significant improvement to their quality of life.

The same review of this service highlighted issues regarding refuse collection on Travellers' sites. There was no recycling taking place, all refuse was mixed together, and different materials were not separated into the bins provided. To resolve this, equality staff worked with the recycling team to provide relevant information to all Travellers in the area. This included leaflets with pictures of everything that can be placed within each bin, general refuse and recycling. This action has resolved all concerns and, in addition, the children are using the pictures to share this learning in their schools.

Case study provided courtesy of a BME Implementation Guide Advisory Board member.



CASE STUDY: Maintaining a local area's VCS budget

The Wolverhampton Compact recognises the value of the VCS and ensures it thrives for the benefit of communities.

Wolverhampton City Council was in the process of finalising its budget for 2011/12. Against a backdrop of financial challenges due to spending cuts and the economic downturn it recognised the importance of making decisions in partnership with key stakeholders including the VCS.

Wolverhampton Voluntary Sector Council (WVSC) was directly involved in negotiations. The board of WVSC made up of member organisations considered the Council's response to the current funding circumstances and fed back to the Council. Of the fifteen member organisations represented on the board, five represented BME VCOs. All groups were invited by the Council to a broader budget consultation and funded groups also attended a pre meeting.

Adhering to Compact principles, the Council decided not to reduce its £2.97m funding for the sector. Additionally specific funding was ring fenced for the BME VCS via a Third Sector BME and Equalities Fund.

Case study provided courtesy of Wolverhampton Voluntary Sector Council.



Outcome 4

Clear arrangements for managing changes to programmes and services

The commitments under this outcome aim to ensure that changes to programmes and the termination of a funding relationship are carried out in an efficient manner, using due process and with as little adverse impact upon VCOs and their service users as possible.

Key government commitments:

- If a programme or service is encountering problems, agree with the CSO a timetable of actions to improve performance before making a decision to end a financial relationship. **(4.1)**
- Assess the impact on beneficiaries, service users and volunteers before deciding to reduce or end funding. Assess the need to re-allocate funds to another organisation serving the same group. **(4.2)**
- Where there are restrictions or changes to future resources, discuss with CSOs the potential implications as early as possible, give organisations the opportunity to respond, and consider the response fully, respecting sector expertise, before making a final decision. **(4.3)**
- Give a minimum of three months notice in writing when changing or ending a funding relationship or other support, apart from in exceptional circumstances, and provide a clear rationale for why the decision has been taken. **(4.4)**



KEY TIPS for BME VCOs using the above commitments

- Engage positively and transparently in the process of conducting a joint review of funding changes. Ensure that you have kept records of any impact reports which explain the problem you were trying to tackle through the delivery of a programme, the outcomes and the impact you had on service users and beneficiaries.
- Ask how government has assessed the impact on beneficiaries, service users and volunteers. Request copies of any impact assessment or equality analysis where there is a reduction in or withdrawal of funding.
- Ask the reasons for a specific decision being made. For example, where a public body has provided less than three months notice to end a funding relationship, contact that body to provide you with a clear rationale for making the decision in such a manner.
- Keep records of any communications and meetings with decision-makers. These will be useful if you decide to challenge a funding decision which you feel has been unfairly made.
- Be proactive to help public bodies understand implications of any potential funding cuts on your local communities. Carry out your own impact assessment on your organisation.

Outcome 5

An equal and fair society

This outcome recognises the vital role that equality organisations⁸ play in helping to create a more equal society. It broadens the application of the Compact to the wider equalities agenda⁹. Therefore it covers all protected characteristics¹⁰: race; gender; age; sexual orientation; religion or belief; disability; marriage and civil partnership; gender reassignment; and pregnancy and maternity.

It is this Compact outcome which would be of most importance to the BME VCS.

Government must implement its commitments under this outcome to ensure that the needs and priorities of diverse communities are met, and practices and strategies are put in place to tackle inequalities.

Key government commitments:

- Work with CSOs that represent, support or provide services to people specifically protected by legislation and other under-represented and disadvantaged groups. Understand the specific needs of these groups by actively seeking the views of service users and clients. Take these views into account, including assessing impact, when designing and implementing policies, programmes and services. **(5.1)**
- Acknowledge that organisations representing specific disadvantaged or under-represented group(s) can help promote social and community cohesion and should have equal access to state funding. **(5.2)**
- Take practical action to eliminate unlawful discrimination, advance equality and to ensure a voice for under-represented and disadvantaged groups. **(5.3)**



KEY TIPS for BME VCOs using the above commitments

- Be proactive. Invite government officials to visit your organisations and understand the work you do and your needs as an organisation. Have beneficiaries and service users present to speak about the importance of your organisation. Ensure that government understands the importance of having specialist services such as yours.
- Understand equalities legislation and remind government of its duties under it. Voice4Change England can provide you with advice and information about current equalities legislation and how government should be adhering to it.
- Build your relationship with government from an early stage of consultation and programme design. Come forward and declare your interest in becoming involved in the development stages. Make clear who your beneficiaries are and why it is important for government to engage with you. Provide evidence, statistical and anecdotal, about service users, their needs and their relationship to wider communities.
- Assist government in carrying out impact assessments or equality analyses to ensure that policies, programmes and services are designed efficiently and in a fair manner for the benefit of all communities. Request copies of any impact assessment or equality analysis carried out by government at the design stage of policies, programmes and services.
- Offer to help review equality strategies of government and public bodies to ensure they provide protection for all communities and specifically the communities you work with. Make sure that the strategy is aligned with duties under equalities legislation.

⁸Equality organisations are those which advocate and campaign for equality and human rights seeking an end to discrimination based on the nine protected characteristics. These include for example BME VCOs, women's groups, disability support groups, etc.

⁹The wider equalities agenda covers any policy initiative which concerns the different protected characteristics and affects individuals or communities which have a protected characteristic. This may include changes to equality legislation or implementation of government equality strategies. Tackling race inequalities also falls within the definition.

¹⁰The term 'protected characteristics' comes from the Equality Act 2010. It refers to those characteristics of which it is unlawful to be discriminatory against.

What are the overlaps with equalities legislation?

Commitment 5.3 reads:

(Government undertakes to) Take practical action to eliminate unlawful discrimination, advance equality and to ensure a voice for under-represented and disadvantaged groups.

Commitment 5.3 aligns the Compact with current equalities legislation. Section 149(1) of the Single Equality Act 2010 requires public authorities to 'have due regard to the need to' eliminate discrimination, advance equality of opportunity and foster good relations. The Compact takes these duties further by ensuring government takes 'practical action' to meet the Section 149(1) duty.

Thus, government is obliged, having signed up to commitment 5.3 to ensure strategies and practices are put in place to tackle unlawful discrimination. **Commitment 5.3 creates a legitimate expectation that government will honour this undertaking.**

Using the equalities outcome with other Compact outcomes

All of the commitments within the An equal and fair society section can be implemented in conjunction with the other outcomes of the Compact.

For example, when government is consulting on a new commissioning framework (**Commitment 2.3**) which would impact on BME communities it should work with BME VCOs to seek views of service users and understand needs of communities and to design an appropriate framework (**Commitment 5.1**).

CASE STUDY:

Partnership agreement between BME groups and public sector partners

Public sector and VCS partners in Cumbria have agreed a service delivery contract which sets out how they will work together in partnership to promote equality. The agreement exists between a consortium of public sector and housing associations and AWAZ Cumbria¹¹, a BME VCO. The consortium members committed to embedding equality and diversity across the whole of their organisations following the principles of the Cumbria Third Sector Compact. Their shared equality aims are:

- To identify equality priorities.
- Provide practical advice and guidance.
- Challenge member organisations in their efforts to continually improve working relationships.
- Promote and share best practice.

AWAZ Cumbria provides strategic advice, guidance and support to the Consortium members on race equality and BME related matters, and in working towards complying with race equality and related legislation. The goal is to provide improved quality of life and services for BME people and communities in Cumbria in consultation with these communities.

Case study provided courtesy of AWAZ Cumbria.



¹¹AWAZ acts as a countywide key point of contact in relation to race equality and BME related matters and issues across all representatives and groups in Cumbria.

Outcomes & commitments

Compact commitments for the BME VCS

It must be stressed that strong relationships between parties should always be two-way. Therefore, whilst BME VCOs can use the Compact to hold public authorities to account they should also implement Compact commitments within their own organisations. In this section we look at key commitments for the VCS.

- When campaigning or advocating, ensure that robust evidence is provided, including information about the source and range of people and communities represented. **(1.7)**
- Promote and respond to government consultations where appropriate. **(2.7)**
- Seek the views of service users, clients, beneficiaries, members, volunteers, and trustees when making representation to government. Be clear on who is being represented, in what capacity, and on what basis that representation is being made. **(2.8)**
- When putting forward ideas, focus on evidence-based solutions, with clear proposals for positive outcomes. **(2.9)**
- Ensure eligibility for funding before applying and be explicit about how outcomes will be achieved. **(3.14)**
- Be open and transparent about reporting, recognising that monitoring, whether internal or external, is an aspect of good management practice. **(3.16)**
- Demonstrate the social, environmental or economic value of the programmes and services provided, where appropriate. **(3.17)**
- Plan for the end of funding to reduce any potential negative impact on beneficiaries and the organisation. **(4.5)**
- Advise the Government on the social, environmental or economic impact of funding changes, and on ways to minimise their effects on people in vulnerable situations. **(4.7)**
- If receiving funding from a government body, show how the value of the work can help that body deliver its public sector duties on promoting equality and tackling discrimination. **(5.4)**

Embedding the above commitments within your organisation can bring benefits including:

- 1 Stronger relations with government and other public bodies through increased credibility and respect towards your organisation.**
 - 2 Stronger relationships with other VCOs.**
 - 3 Ensuring that tackling inequality remains firmly on the government's agenda.**
 - 4 Developing good practice within your own organisation.**
 - 5 Strengthening your position within decision making processes.**
 - 6 Ensuring that the VCS is valued.**
 - 7 Strengthening the independence of the BME VCS by allowing it to challenge decisions and campaign regardless of existing relationships with government.**
-

Putting the Compact into practice

How to use the Compact

It is important to remember that the Compact is not just a list of principles to bring out when things go wrong. It is a framework for better partnership working between VCOs and their funders or public bodies. You can use the Compact as part of your everyday practice.



“My organisation struggled for years with one year contracts. We would employ staff without knowing what would happen come Christmas. What we’ve been successful in doing, and we’ve actually used the Compact to make this happen, is that we’ve got two of our statutory partners to agree to give us three year contracts. This has made our organisation more sustainable”

Chief Executive, national social care organisation

How to challenge a decision or bad practice using the Compact

If you think that government or a public body has not followed Compact principles in the way it conducts its business, consider highlighting this to them, along with constructive suggestions for how they can improve. Challenging poor practice often leads to a better relationship and better outcomes for your organisation. Below is a step by step guide to how you can use the Compact to challenge a decision.

1 Research

Look into your relationship with the body in question. Build up a timeline of key moments and events in the relationship. Get an idea if other organisations may be in the same position, and how many? What is the context and external environment of your relationship?

2 Identify where the Compact has not been followed

Use either your local Compact or the national Compact, depending on which public body it is you are having difficulties with. Look through the document to identify how your relationship with the public body measures up, and if there are specific commitments that have not been complied with. See whether any of the Compact breaches amount to breaches of Public Law principles as well. You can consult the Public Law guide to identify whether there has also been a breach of Public Law and the next steps to take.

3 Decide on your objectives

What do you want to achieve? Having a clear objective for decision-making or the impact you want to achieve will help focus your actions and can provide a basis for measuring success. It will also help you to decide if your objective is achievable.



4 Who should you contact?

Are you dealing with a local public body or a government department? Use government or local authority websites to identify the key decision makers that you need to engage. Often local authorities will have a Compact Officer, or information in their Local Compact on who you can contact if you have an issue you want to raise. Have a back up plan if you are not happy with the initial response you receive.

5 Action

Raise your concerns at the earliest possible time. If you leave it too long, you may not be able to bring a successful challenge. Write letters, make phone calls, network and try to meet the relevant people. Often issues can be resolved by engaging the relevant contacts in open dialogue. Suggesting a meeting to discuss the problem can often be enough to obtain a successful outcome. Depending on the severity of the issue and how co-operative your public body is, consider raising the issue with the media, your local Member of Parliament or the Parliamentary or Local Government Ombudsmen. Refer to the supplementary accountability measures for further guidance on this.

6 Evaluate and continue to use the Compact

Assess how successful you were in trying to achieve the objectives you set. Looking at how successful you were and how your contacts responded to what you said will help inform any future action you may need to take.

As already stated, the Compact should be used as a framework to ensure effective working relationships, not just referred to when things go wrong. Continuing to use the Compact in your everyday relationship with the public body can help to embed Compact principles in the way that you work together, creating a positive result that is mutually beneficial.

Key tips for BME VCOs

- Stress that adhering to the Compact will benefit both sectors and ultimately the communities they serve. Give examples of the negative impact decisions may have on members of the community.
- Raise concerns at the first instance you believe there is a breach of the Compact. In many cases, public officials are unaware that they have failed to comply with the Compact – pointing this out to them may be enough to resolve the issue.
- In most local areas there will be some form of infrastructure support organisation or joint VCS and public sector group to provide assistance and promote Compact ways of working. Visit your local authority's website to find key contacts. Alternatively contact Voice4Change England and we can sign post you to relevant persons or local bodies that can support you.
- If you end up using some form of advocacy, negotiation, or mediation on the basis of the Compact, this may have wider benefits in terms of your long-term relationship with government, as well as its relationship with the wider VCS. The Compact is a non-adversarial tool to be used to challenge decisions and ultimately build stronger relations with government.
- The voluntary nature of the Compact can be an advantage because public bodies have actually signed up to it and so are less likely to feel threatened or be defensive as opposed to using legal measures.
- Remind government that compliance with the Compact can avoid any legal challenge under Public Law principles.

Putting the Compact into practice

What if the Southall Black Sisters case was based purely on Compact issues?

The Southall Black Sisters case against Ealing Council is a landmark case which identified the significance of specialist services for specific communities.

Although the challenge was based on the Council's lack of compliance with its public duties under the Race Relations (Amendment) Act 2000 (RR(A)A), all of the issues also concerned a lack of compliance with the Compact.

Here we examine the key findings for the VCS, taken from the judgment of Lord Justice Moses, and how the Council could have avoided legal action against it had it complied with the Compact.

Key legal findings in the case

Race Equality Impact Assessments (REIAs) must be undertaken before policy is decided upon or implemented.

REIAs cannot be a rearguard action to justify a policy already decided.

In this case Ealing Council should have done the REIA before it decided to limit applications to one provider or a consortium.

The impact on those losing a service should be assessed, not just the new service that is being proposed.

Ealing Council's interpretation of s35 RR(A)A was wrong. It was not unlawful to fund a specialist group; in fact it was sometimes essential to do so.

Compact commitments

Assess the implications for the sector of new policies, legislation and guidance, aiming to reduce the bureaucratic burden, particularly on small organisations. **(2.6)**

Work with CSOs from the earliest possible stage to design policies, programmes and services. Ensure those likely to have a view are involved from the start and remove barriers that may prevent organisations contributing. **(2.3)**

Work with CSOs that represent, support or provide services to people specifically protected by legislation and other under-represented and disadvantaged groups. Understand the specific needs of these groups by actively seeking the views of service users and clients. Take these views into account, including assessing impact, when designing and implementing policies, programmes and services. **(5.1)**

Assess the impact on beneficiaries, service users and volunteers before deciding to reduce or end funding. Assess the need to re-allocate funds to another organisation serving the same group. **(4.2)**

Acknowledge that organisations representing specific disadvantaged or under-represented group(s) can help promote social and community cohesion and should have equal access to state funding. **(5.2)**

Take practical action to eliminate unlawful discrimination, advance equality and to ensure a voice for under-represented and disadvantaged groups. **(5.3)**

CASE STUDY: Praxis – Challenging unfair withdrawal of funding

The Problem

Praxis is a centre in East London which provides advice and support services to migrants and refugees from all over the world, as well as being a meeting place for displaced communities. The organisation had applied successfully to a government agency which was administering a European Fund. They entered into an agreement to run a three-year project, starting in January 2008. In August 2008 the government agency wrote to Praxis terminating the agreement without notice and without having made the first payment that was due to Praxis on signing the contract. Praxis felt that the decision to terminate funding in this way was in breach of the contract that they had with the government agency and not consistent with the Compact. They also had started delivering on the outputs of the agreement, but had not been paid.

The Compact Issue¹²

Commitment 4.4 – give a minimum of three months notice when ending a funding relationship.

Commitment 3.3 – provide clear rationale for all funding decisions.

Commitment 3.10 – consider payment in advance where it represents value for money.

Commitment 3.12 – apply the Compact when distributing European funding.

The Action

Praxis wrote to the government agency setting out the issues that they had with the decision to terminate funding. It also contacted Compact Advocacy for further support. Compact Advocacy wrote to the government agency and raised concerns with the process and the inconsistencies with the Compact. The government agency, after some time, recognised that there were problems with the termination of funding, but that because the source of the money was the European Commission, they were ultimately answerable to them and had to abide by certain conditions over the fund, regardless of whether they were consistent with the Compact or not. Compact Advocacy spoke in more depth with the government agency and the relevant national department and requested a meeting for all parties. The meeting included the Compact Champion from the national department to discuss the issues.

The Outcome

At the meeting, Praxis understood some of the points the government agency raised about why they terminated the agreement. Praxis were also able to state their position and how the decision had affected their organisation and the project. They explained that they had started performing under the contract but with no payment from the government agency. Compact Advocacy was able to put the issues into context with the principles of the Compact. The successful outcome of the meeting was that the government agency wrote to Praxis offering to meet the costs they were owed from when the contract was first signed. In a wider context, although the money was from a European Fund, this did not override the Compact commitment, as the government agency had thought. Compact Advocacy successfully argued that the Compact applies to all relationships between government and the VCS.

Case study provided courtesy of Compact Advocacy

¹²This case was brought prior to the renewal of the Compact. Thus the above example demonstrates how the commitments in the renewed Compact would have been argued in order to arrive at the eventual outcome. To see the actual commitments from the previous national Compact which were used in this particular case visit www.ncvo-vol.org.uk/compact-case-studies.

CASE STUDY

Fairness for All White Paper

The Problem

The Fairness for All White Paper concerned the creation of the Commission for Equality and Human Rights. It was therefore of significant relevance to the VCS and BME communities. Unfortunately the paper was not available in accessible formats, it lacked a clear executive summary, it was £17.50 to purchase and it appeared to have been insufficiently advertised.

The Compact Issue¹²

Commitment 2.3 – remove barriers that may prevent organisations contributing to design of policies.

Commitment 2.4 – give early notice of forthcoming consultations.

Commitment 5.1 – work with groups that support people protected by legislation to understand and consider their needs when designing policies.

The Action

This case was referred to Compact Advocacy by the BME Compact Champion. They entered into a dialogue with the Department for Trade and Industry (DTI) raising its concerns surrounding the consultation based on the Compact.

The Outcome

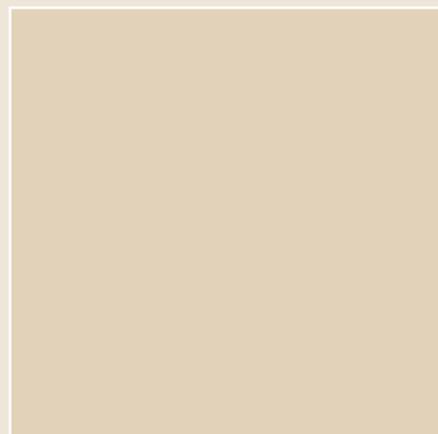
In relation to the consultation:

- Accessible formats of the white paper were made available online.
- A flexible deadline on consultation replies was secured to allow for late replies based on the initial lack of accessibility.
- A free download of the white paper was made clearly available.

In relation to future practice:

A lengthy and positive letter from the DTI was received outlining the measures they had taken to reach BME and other community groups, reiterating their commitment to the Compact and stating that they had taken this opportunity to discuss best practice with the BME Compact Champion. They said in the future work would be taken forward with the DTI voluntary and community sector Liaison Officer.

Case study provided courtesy of Compact Advocacy



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Further information & resources

Voice4Change England

Voice4Change England is a national support organisation for the BME VCS. We are a leading voice to inform the formulation of public policy and to influence practice that has a direct effect on the development, delivery and impact of BME VCOs.

The BME Compact Officer is responsible for raising awareness and increasing use of the Compact in the BME VCS, through training and the provision of advice. We also work closely with the Compact Advocacy Programme to resolve Compact breaches. Voice4Change England's Compact project is supported by the Big Lottery Fund.

If you need further information on how the Compact can be implemented effectively within your organisation, contact Ravi Chauhan on 020 7843 6124 or email ravi@voice4change-england.co.uk.

Empowering the Voluntary Sector Project

The Empowering the Voluntary Sector project brings together the expertise of Compact Advocacy, based at NCVO, NAVCA and the Public Law Project. The project focuses on providing advice on managing disputes and training in using the principles of Public Law and the Compact to prevent and manage disputes with public bodies.

For more information go to www.evproject.org.uk or email terry.perkins@navca.org.uk.

The Compact Advocacy Programme

The Compact Advocacy Programme provides free advice on Compact principles and advocacy to VCOs where Compact commitments have not been met.

If you need advice on whether Compact principles have been broken, or want help on challenging decisions made by public bodies, contact 020 7520 3161 or email evsadvise@ncvo-vol.org.uk.

Compact Voice

Compact Voice exists to help VCOs get the most out of the Compact. They provide strategic leadership on the relationship between government and the sector, give voice to the concerns and priorities of the sector, and provide information, resources, and support.

Compact Voice gives voice to the sector's views on the Compact by running both a local and national network providing interactive forums to share experience and best practice, run events across the country, and represent the sector at meetings with government partners at a local and national level.

For more information go to www.compactvoice.org.uk.

Public Law Project

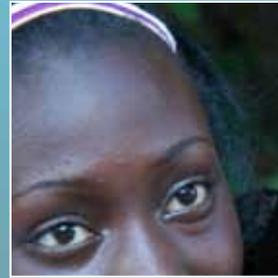
The Public Law Project is a national legal charity which aims to improve access to Public Law remedies for those whose access to justice is restricted by poverty or some other form of disadvantage.

The Public Law Project undertakes research, policy initiatives, casework and training across the range of Public Law remedies. For more information go to www.publiclawproject.org.uk.

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