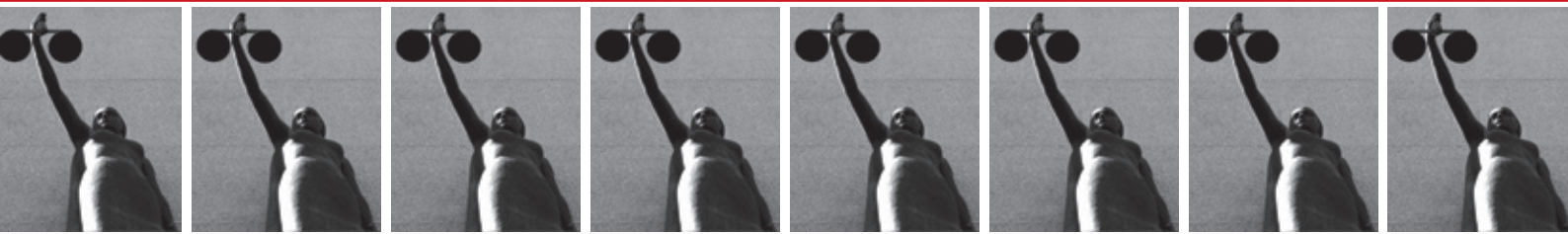


Empowering the voluntary sector

to challenge unjust public body funding and consultation decisions

Evaluation report



March 2009

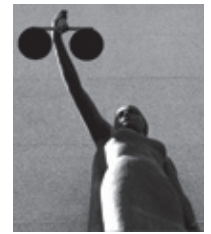


LOTTERY FUNDED



Contents

1	Introduction	1
2	Methodology	2
3	Analysis of beneficiaries	4
	Training.....	4
	Advice line	12
4	Findings	17
	The newsletter	17
	How people heard about EVS	17
	Why people use EVS.....	18
	The quality of the service provided	20
	Achievement of outcomes	21
	The importance of EVS as a resource.....	31
	Making legal advice accessible	32
	The project's exit strategy.....	32
	Evaluation of the process	33
5	Conclusions	37
6	Appendices	41



1. Introduction

In 2006 the Public Law Project (PLP), in partnership with the National Association for Voluntary and Community Action (NAVCA), was awarded three years' funding from the Big Lottery Fund (BLF) to deliver the Empowering the Voluntary Sector project (EVS). PLP is the lead partner and is responsible for delivery of the services in general, and the advice line in particular. It reports to the BLF and holds the budget.

The aim of EVS was to respond to a gap in provision of legal information, advice and representation for voluntary and community sector (VCS) organisations in England in public law matters. It had two overall aims: to assist VCS organisations in advocating on behalf of themselves and their users in relation to funding and other policy decisions of public bodies and to have a legacy of empowerment and stability.

EVS was to be delivered through NAVCA who would provide the training, format and circulate the newsletters, and act as a referral point for the sector. It was to publicise the training and develop the website pages, market the project and provide a corporate image. PLP was to provide management and a full-time lawyer to provide the overview and the advice from amongst the team of existing PLP lawyers. The project was to fit seamlessly into PLP's normal pattern of work, as another strand of the advice and consultancy it provides.

EVS was to be delivered in four ways:

1. Briefings/newsletters produced by PLP's project lawyer and NAVCA's training/information officer and distributed by both organisations. It would

contain information on EVS's achievements and lessons learned. Articles were also to be written in the specialist press, for example *Legal Action* and *Third Sector*.

2. Training, provided by NAVCA, on public law principles; tactical advice; the form, content and role of Compact agreements; the various Equality Codes, for example the Commission for Racial Equality's (CRE) Codes of Practice; the range of remedies available and how they can be accessed; and the role of lobbying and the media. PLP would train the NAVCA trainer and provide materials for the training, and deliver master classes in Year 3.
3. Legal advice and tailored support provided by PLP including taking instructions directly from the organisation or service user and correspondence with the public body on their behalf. If necessary, they would also bring cases to court on the organisation's behalf (unless legal aid was available), represent them in any mediation, and make complaints to the ombudsman where appropriate.
4. The provision of web-based support materials for the sector with materials such as the briefings and the training packs available to download.

Whilst EVS was to be available to all VCS organisations receiving funding from public bodies, the focus of the project was on the smaller, least resourced organisations, with priority given to black and minority ethnic (BME) organisations.



2. Methodology

The evaluation of EVS has been ongoing from August 2006 and the data analysed within it is for Year 1, 2006/07; Year 2, 2007/08; and Year 3 for the nine months from April to December 2008.

The methodology was designed to address both the project's desired outcomes and its processes. The former sought to identify the extent to which each desired outcome was achieved, any shortfall in achievement, and any unanticipated outcome or consequences. The latter explored the processes by which the project operated and sought to identify the factors that contributed to its success, the obstacles that it faced and the steps taken to overcome them. The lessons learned were intended to help inform the exit strategy.

The evaluation was undertaken in three stages:

Stage one – gathering baseline information

Systems were established for the receipt of EVS's monitoring and tracking data and key partners were interviewed to establish, for example, the drivers of the project and the responsibilities, priorities and commitment of each partner. (A copy of the interview questions can be found at Appendix a).

Stage two – outcome tracking

Outcome tracking has been carried out over the life of the project by:

1. Receipt and analysis of the training publicity, training materials, course bookings, course evaluations, uptake of legal advice, and analysis of the newsletter. Observations of the training were also undertaken.
2. Follow-up telephone interviews with project beneficiaries, of both the training and advice

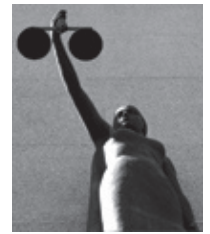
line, in order to obtain more qualitative and in-depth information about the impact of the project.

The issues covered in the interviews were, for example, how people heard of EVS, why they used the project, what they knew of public law and the Compact before and after using EVS, and their confidence in dealing with statutory bodies before and after using EVS.

This methodology was adopted in Year 1 and minor revisions to our approach and interview schedule were made at the end of Years 1 and 2 in consultation with EVS steering group members. Copies of the interview schedules, for the training and the advice line, can be found as Appendix b.

We ensured that the training and advice line interviewees were chosen from a geographical spread of courses, organisation types (infrastructure, service delivery), job titles, trustees and people who had received support at all levels (1-4). We also ensured that some small and BME organisations were included. Respondents were given the reassurance that their responses would not be attributable. The following table outlines the number of beneficiaries interviewed from each of the three years:

Year	Training	Advice and ongoing support
1	15	3
2	10	9
3	17	11
	42	23



Two interim presentations were made to the steering group and two Key Findings reports were prepared during this period. These provided the steering group with information to help them refine and improve the project and develop an effective exit strategy.

Stage three – final evaluation

Towards the end of the project semi-structured interviews were conducted with seven members of the steering group to review their hopes and expectations for the project, identifying its main successes and to what these could be attributed as well as what the legacy of the project would be.

This final report sets out the findings from the evaluation, the extent to which outcomes have been achieved, if not why not and if they have, what has contributed to this success. Before outlining these findings the beneficiaries will be described.



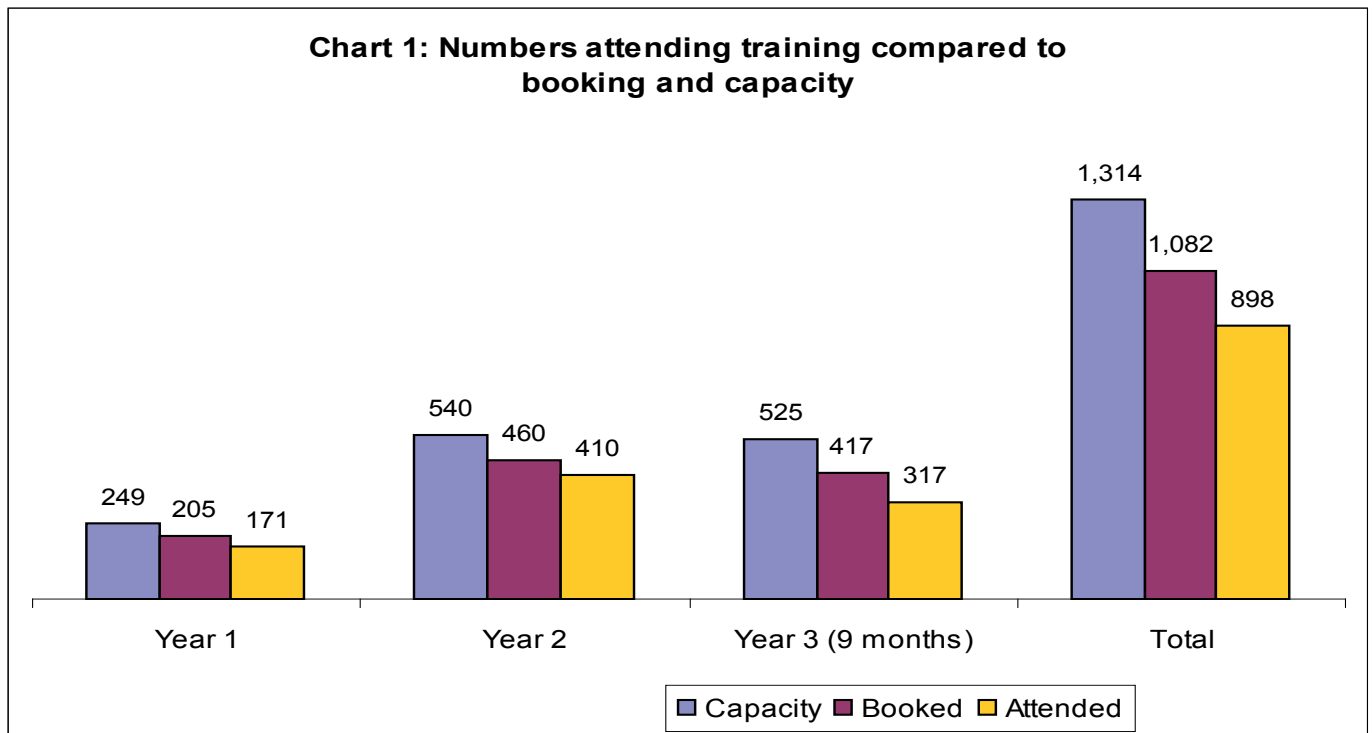
3. Analysis of beneficiaries

Training

The data for this analysis has been provided by NAVCA from its detailed collection and analysis of the training statistics, including evaluation

questionnaires completed by those attending each session.

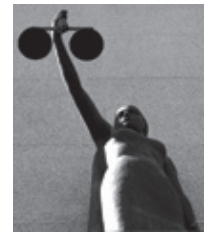
Sessions and attendance



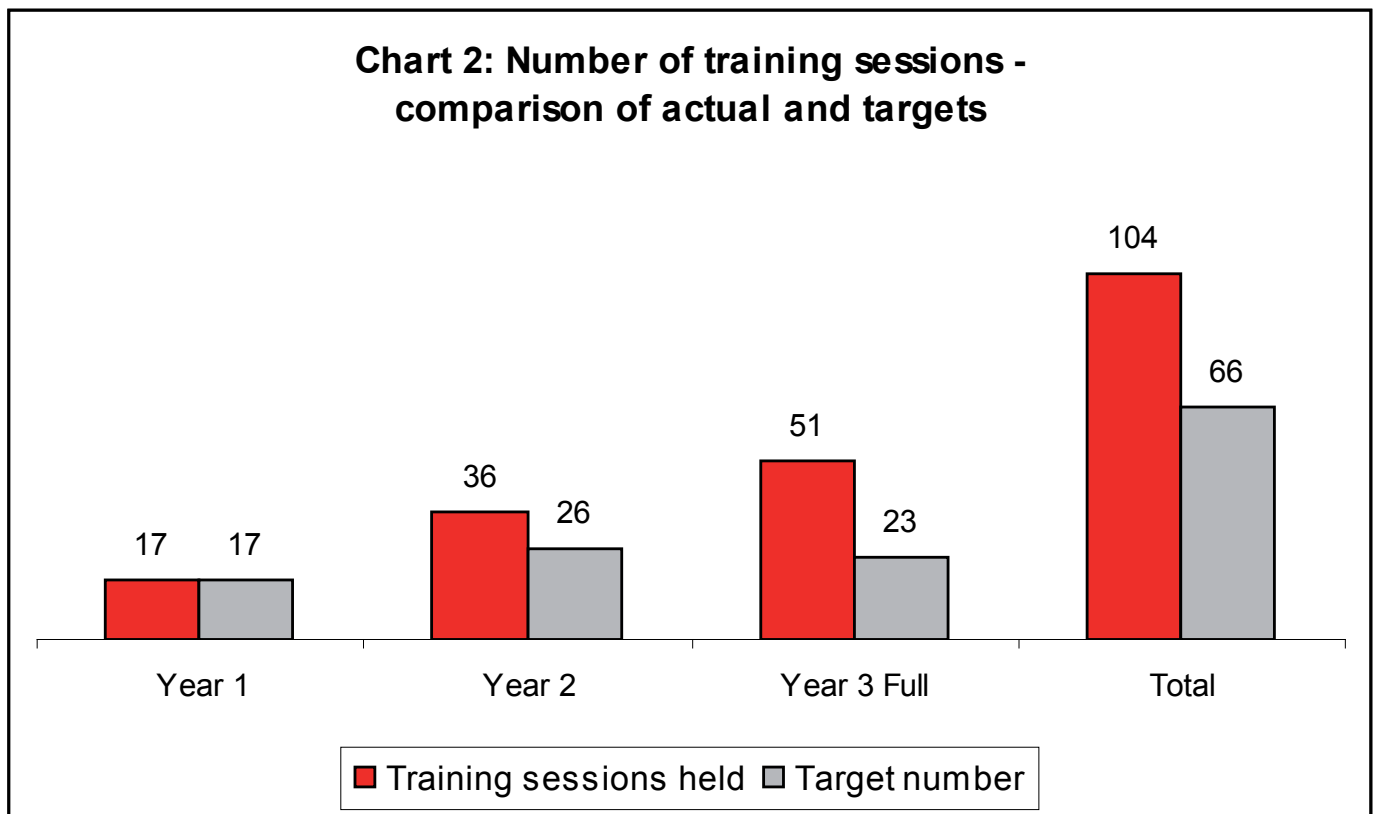
- **Chart 1** compares the three years and gives the total capacity at the training session (assumed to be 15 places at each), the numbers booking and the numbers attending. In Year 1, those attending were nearly 69% of the capacity at the training sessions; and in Year 2, this percentage had increased to 76%. The Year 3 statistics show a slight fall on the percentage attending

compared to capacity, and it is thought that this was the result of a comparatively low turnout at a small number of sessions where attendance fell below 60% of capacity.

- For the three years overall, attendance was 68% of capacity. Of those who booked on the course, 83% attended.

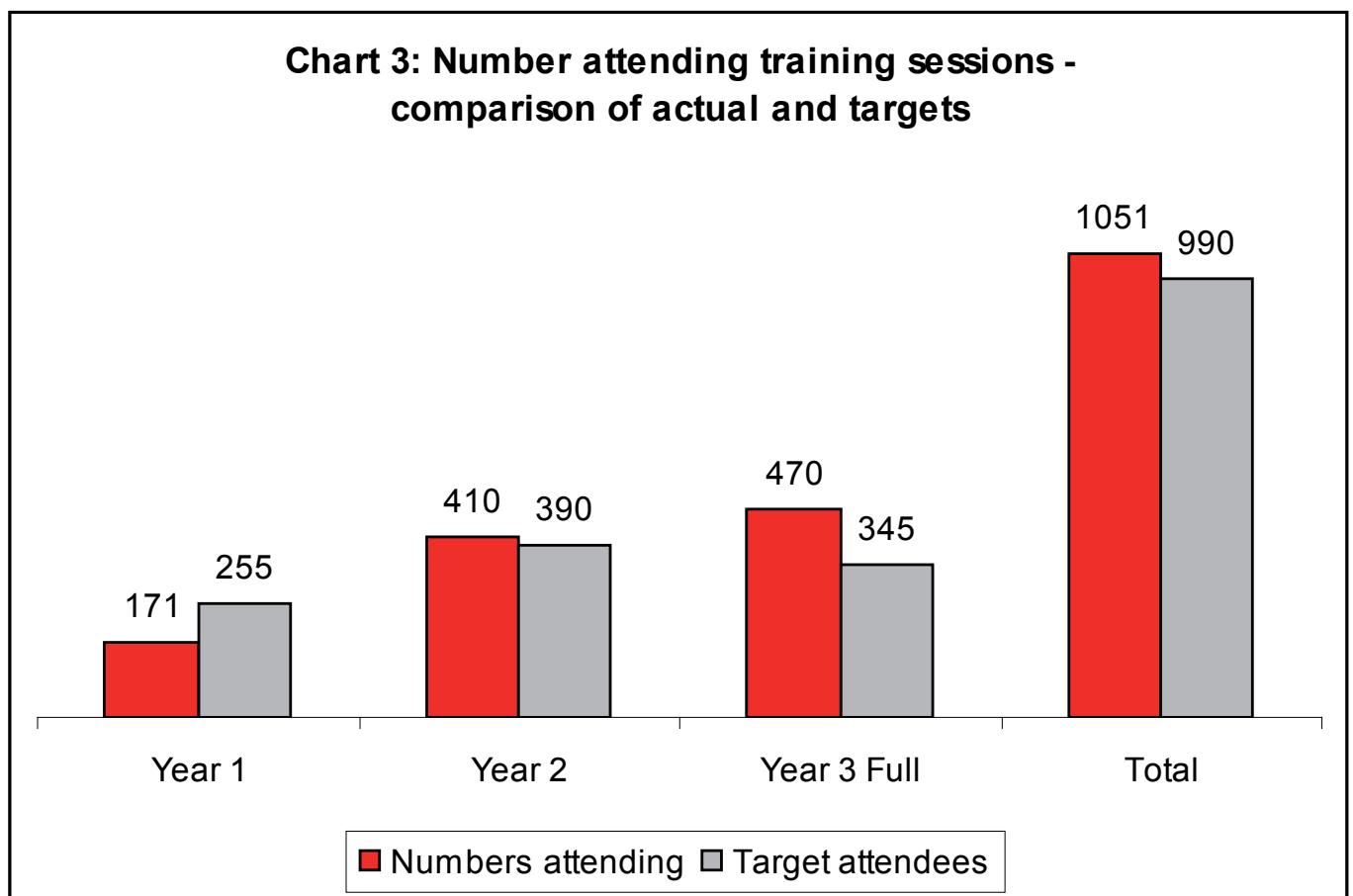


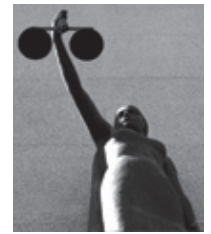
- **Chart 2** compares the number of training sessions delivered compared to targets. For the period January to March 2009, 17 sessions were arranged giving an estimated total of 104 sessions delivered compared to a target of 66. The number delivered is 58% above the target, a significant achievement.



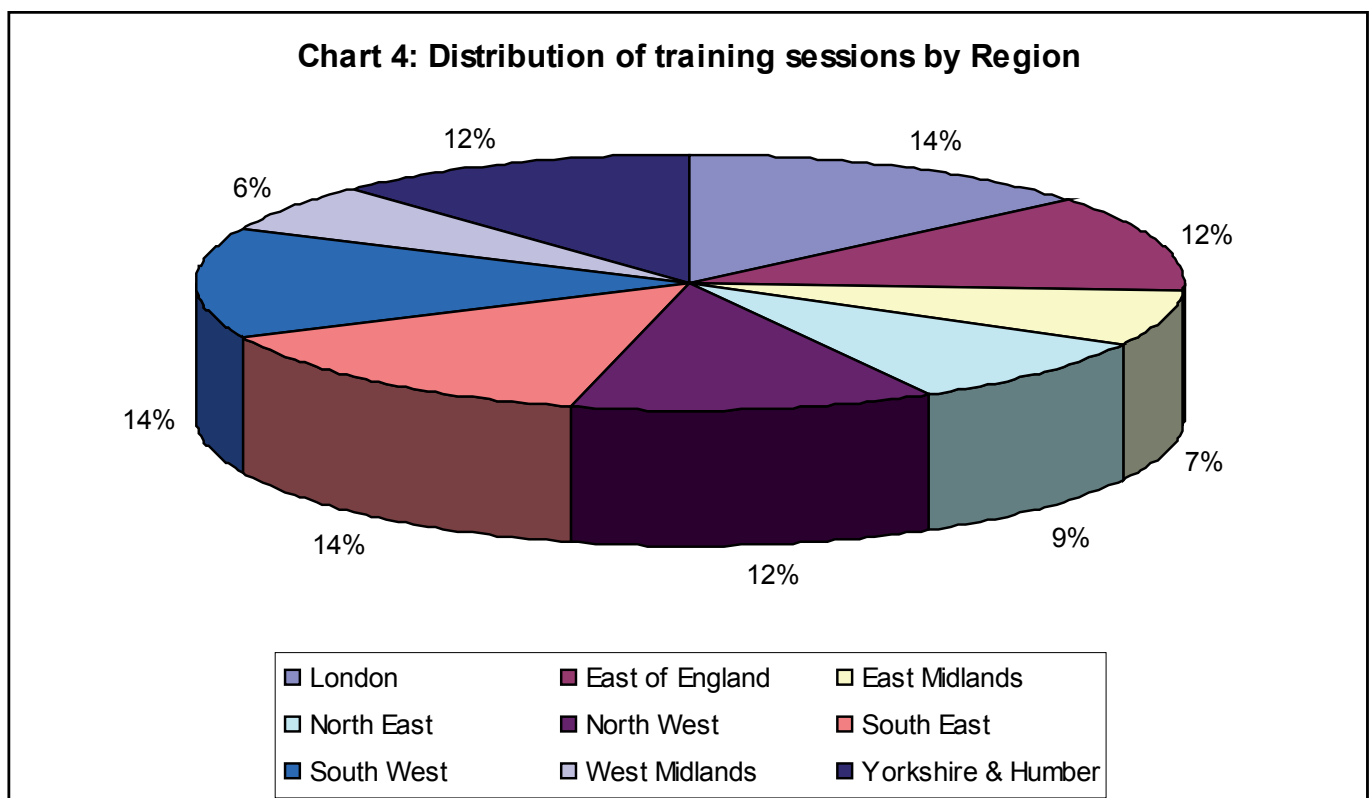


- **Chart 3** compares the numbers who have received the training session compared to the target numbers. To calculate for the full third year, the average attendance at sessions from April to December 2008 (i.e. nine participants) was applied to the 17 sessions that were arranged for January to March 2009. This gives an estimated total of 1,051 that have and will attend the training, again above target by 6%.





- **Chart 4** shows the distribution by region of the training sessions that have been delivered to the end of December 2008 (i.e. 87 sessions with nearly 900 participants). It shows a good spread of sessions between all the English regions. At the start of the EVS training programme the trainer at NAVCA had to seek out venues for holding the sessions but now organisations approach him and offer their centre or office because of their perception of the value of the training.

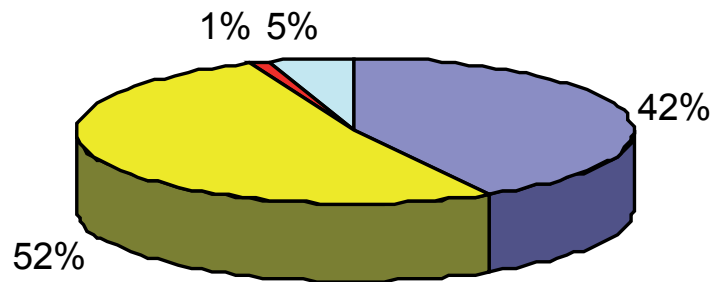




Size of organisation attending the training sessions

- The training sessions have reached a range of organisations of different size and complexity. Representatives of local infrastructure organisations (LIOs) accounted for 42% of those attending but more than half (52%) came from locally based voluntary and community groups, many small with few paid staff. By providing the training at low cost to participants in locally based venues, it was possible to encourage staff and trustees from small voluntary and community sector groups to attend.

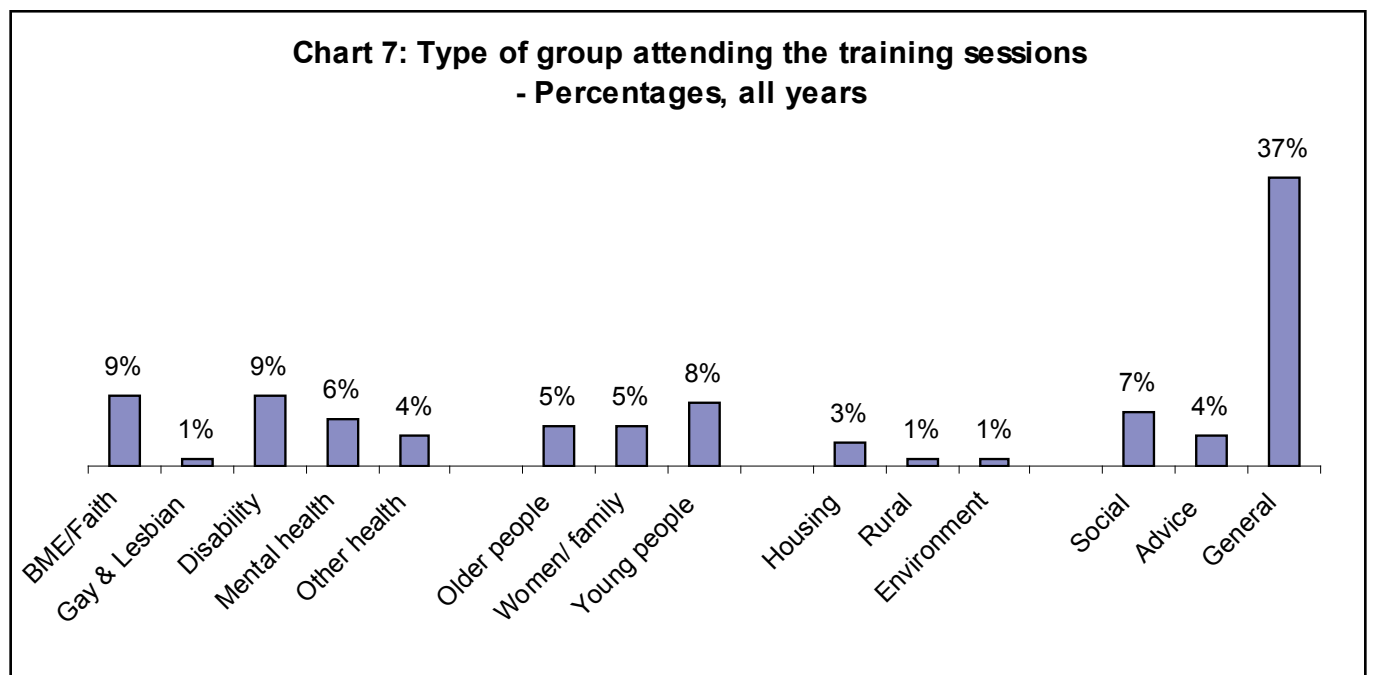
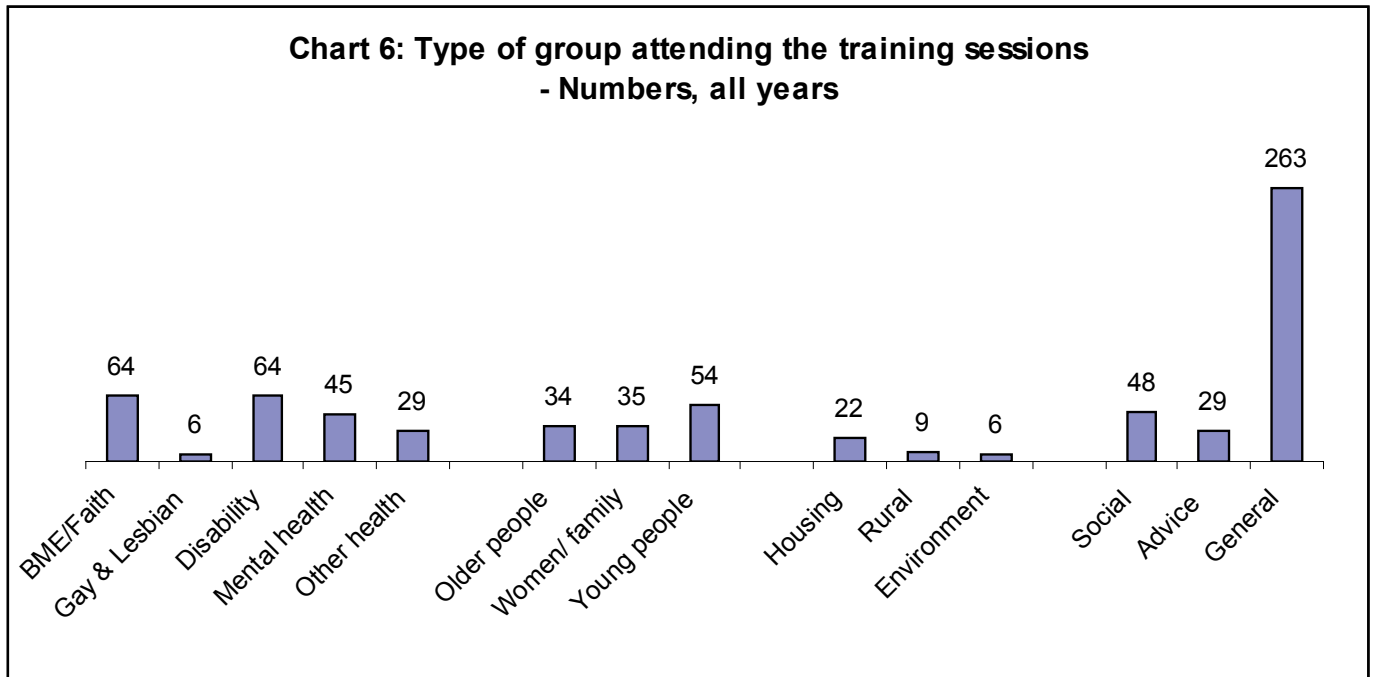
Chart 5: Organisations attending the training sessions by type of organisation - all years

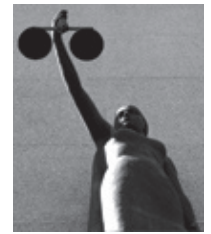


■ LIO ■ V&Cos ■ Partnership/Umbrella ■ National



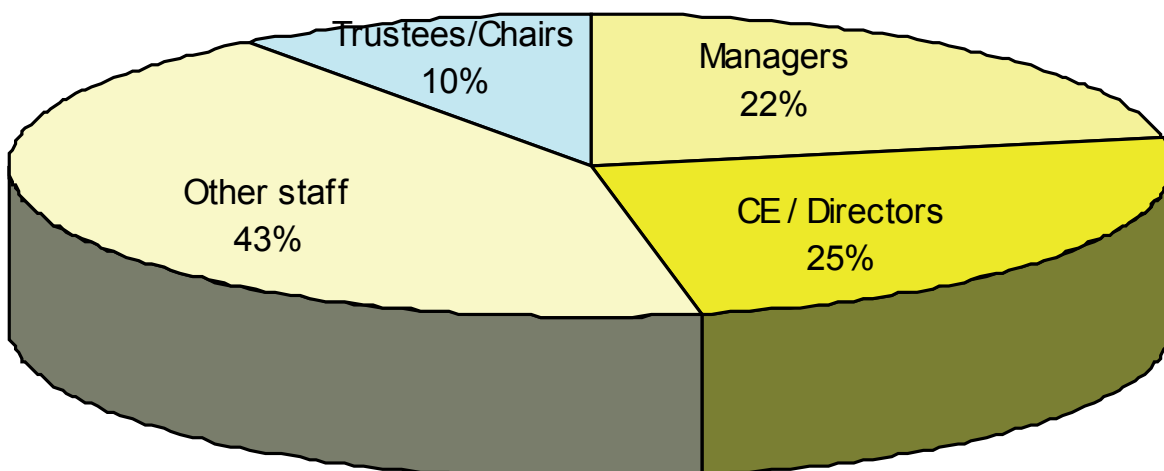
Type of organisation attending the training sessions





- **Charts 6 and 7** provide an analysis of the type of organisation or group attending the training sessions over the three years. Although 37% of those groups attending described their services or role as general (this would include local infrastructure organisations), there was good representation from a range of other types of groups.
- Nearly one in ten worked with BME or faith groups. There was a significant increase in the representation from those groups towards the end of the project compared to the early phase of EVS. This is thought to be due mainly to the efforts made to market and promote the EVS specifically with those working with BME communities.
- Groups working with those with a disability or mental health issue accounted for 15% of the groups attending. Close liaison with MIND is believed to have been a key factor in developing links and promoting the training with groups working with people with a mental health issue.
- **Chart 8** provides a summary analysis of the role or job of those attending the training. Nearly half (47%) were managers, chief executives or directors. Other staff, including development workers, finance staff and those delivering frontline services, accounted for 43% of participants. One in ten of those attending were trustees or members/chairs of an organisation's management committee.

Chart 8: Those attending the training by role in organisation - total, all years





Observation for the evaluation

A member of the evaluation team attended two training sessions, one in Rotherham at the start of the EVS training programme and one at Broadstairs in January 2009. Both sessions were very well attended, lively and well received by all participants in both sessions.

The earlier session that was attended focused more on giving participants exercises to work through to accompany the presentation by the NAVCA trainer. The session attended in January 2009 relied more on participants engaging in an open discussion, describing their own group's experiences of public law issues and the measures that could be used to prevent or challenge unjust decisions. These were relaxed, informal but productive and stimulating sessions.

Since the beginning of the training programme, the accompanying documentation has been enhanced, published as a workshop resource pack and branded as EVS. This was a significant improvement and accompanied by a disk of EVS resources for participants to take back to their group, download and share between colleagues.

The workshop resource pack is well laid out, in plain English and with many examples and sample letters and documents to inform and assist the participants both at the workshop and later. It now includes a substantive section on Compact and contact details for the Compact Advocacy Programme at NCVO, who will be a partner with EVS in the extension of the project that has secured Big Lottery funding post-March 2009.

The training was delivered in a way that used the experiences of the members of the session to provide examples for public law issues – this was especially important as it made the subject very understandable and immediate to those attending. Participants who were informally asked their views before and after the training sessions were strongly motivated and spoke of their increased confidence, while at the same time acutely aware of the message from EVS that prevention is better than challenge – and a friendly word or two with a public authority can lead to better and more productive relationships and just decisions.



Advice line

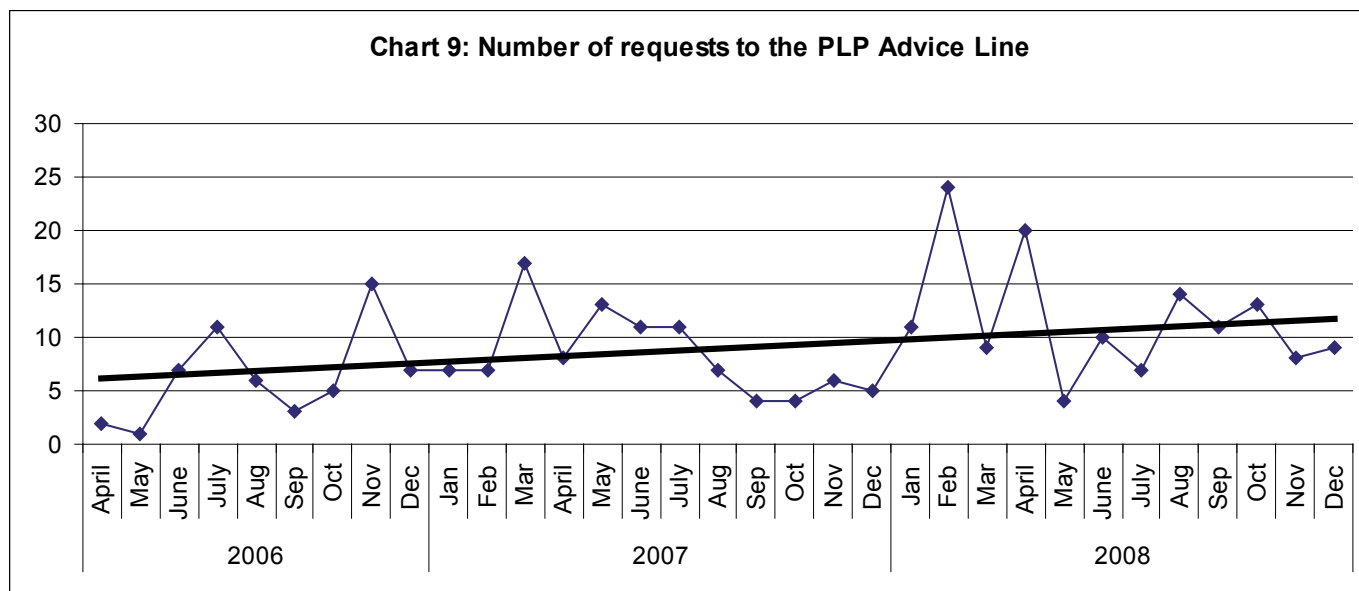
An analysis of the advice line data has been undertaken using the statistics on the use of the advice service provided by PLP.

Number of beneficiaries

In total, there were 297 contacts made to the advice service over the period, almost doubling the original target for the project of 150 contacts.

Scale of advice requests

- **Chart 9** shows the trend in the monthly number of requests to the advice service. Although the number of requests varies considerably from month to month, the linear trend line shown on the chart shows a gradual increase in the requests made.



Levels of advice provided

The data provided by PLP analyses the requests according to the different levels of advice given. The levels of advice given range in scale from a one-off response (level 1) to providing legal advice and practice support (including, in some cases, support for a legal challenge) at level 4.

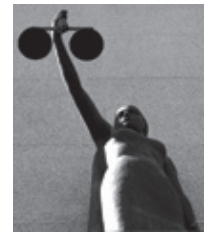
Examples of the kind of advice given at the different levels are given below:

Level 1 – all telephone advice on: compact advocacy; an authority's requirement to conduct

an impact assessment; legal aid payments; and consultation requirements for a planning application.

Level 2 – telephone advice was often followed by further assistance, for example: drafting letters re a funding decision; review of documents for a planning decision; non-implementation by an authority of a successful tender. This level of advice may have also involved meetings with the client.

Level 3 – initial telephone contact but involving complex and ongoing assistance and support.



Examples of this were a meeting with the client and other users to advise on response to the closure of a day centre; and a meeting with a client and assistance with letters and other documentation on an authority's decision-making process.

Level 4 – the most complex and lengthy advice and support level and often involving preparing legal documentation and representation, for example on funding cuts to a community network.

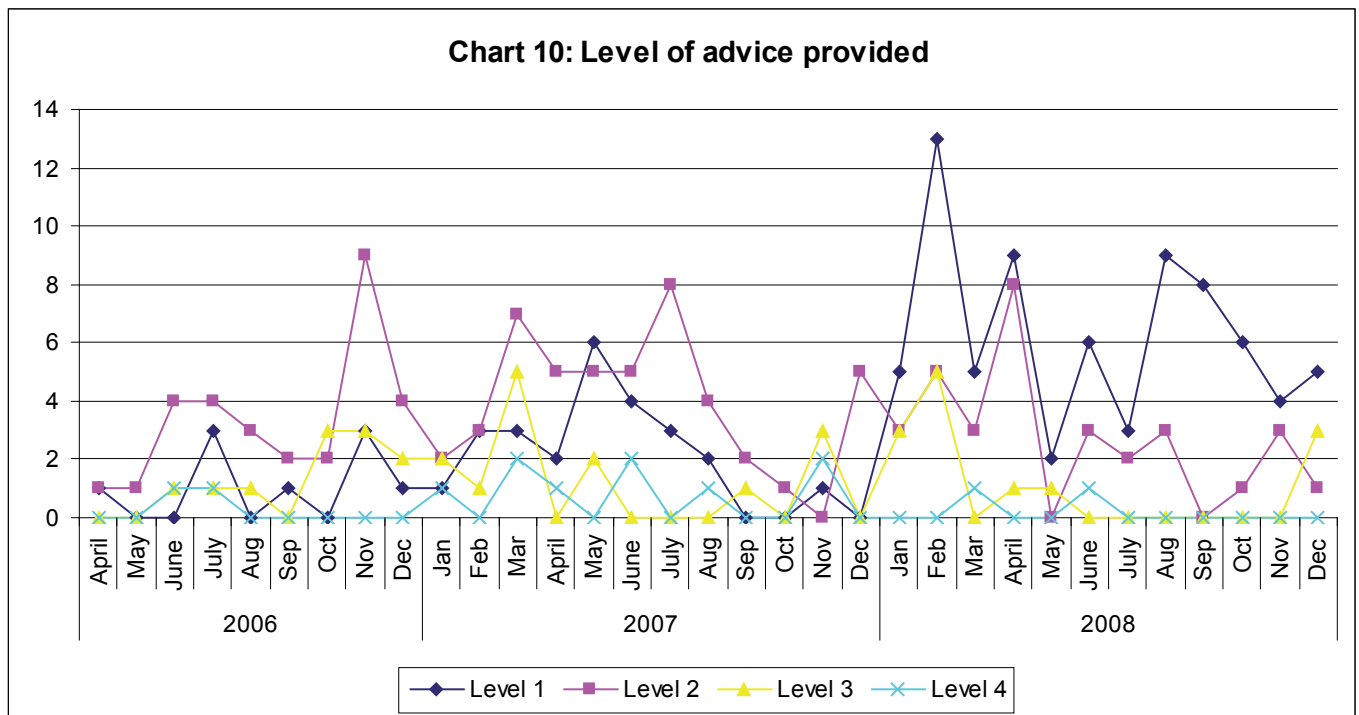
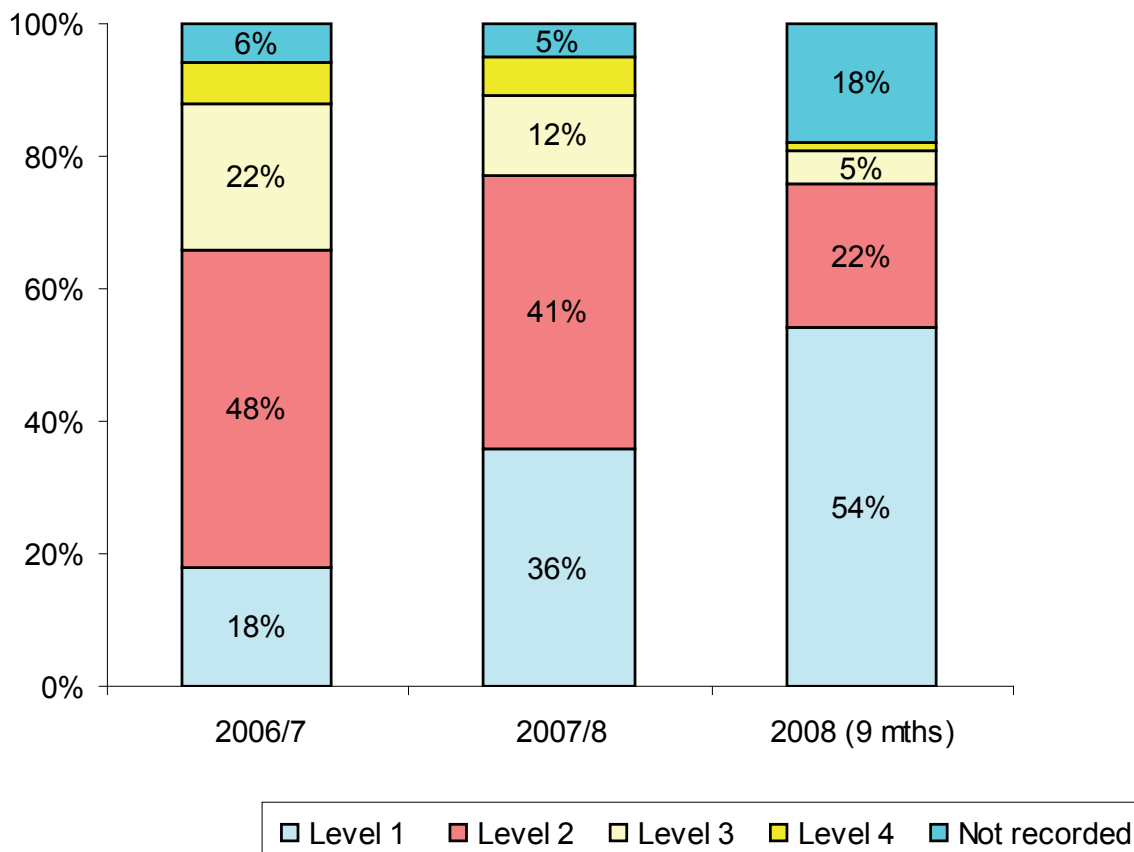
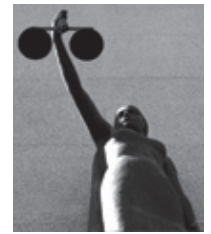




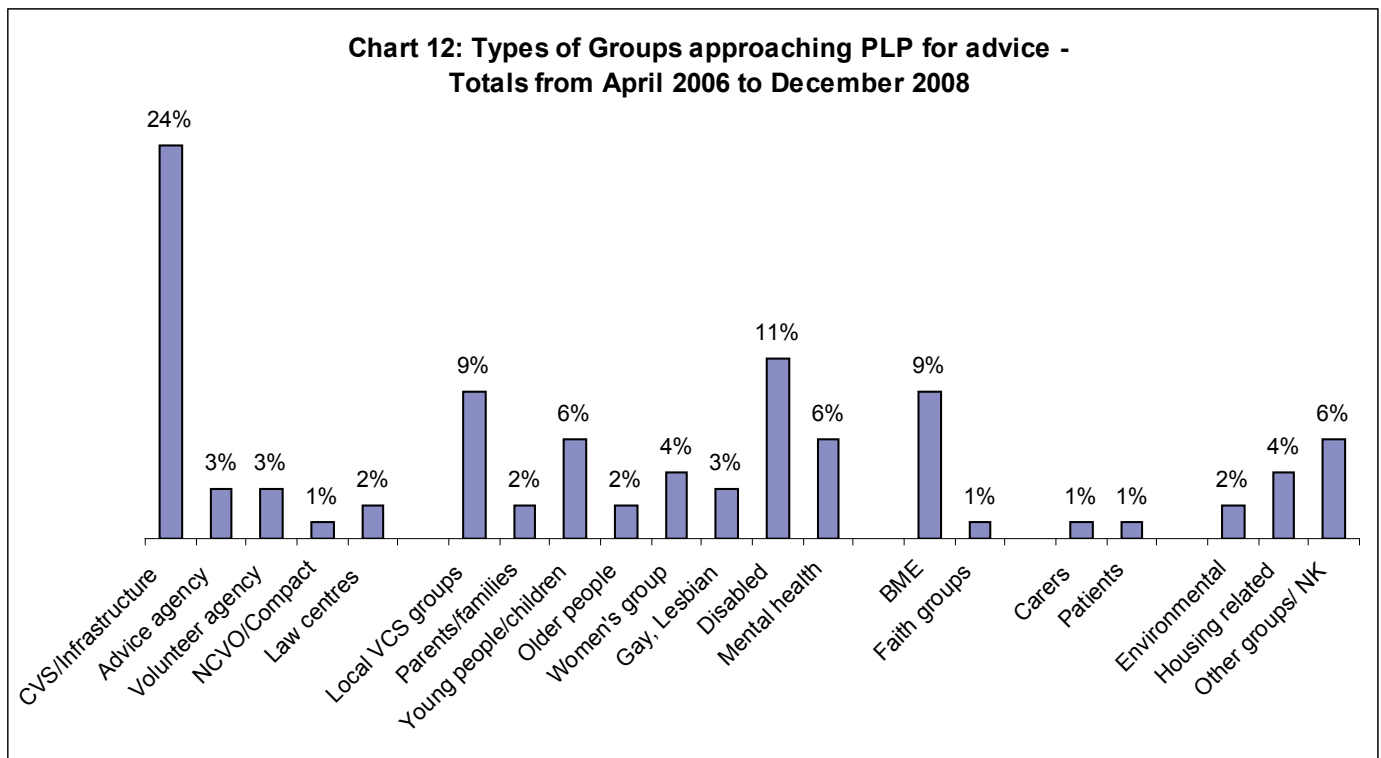
Chart 11: Level of advice provided by year



- **Chart 10** shows that the number of monthly requests by the level of advice required and provided varies month by month but consistently advice at levels 1 and 2 (requiring the shortest engagement) are the highest.
- **Chart 11** shows the breakdown of advice given by the four categories over three years. It reveals that level 1 advice (usually requiring a one-off response from the telephone advice line) has increased significantly from 18% in 2006/7 to 54% in the nine months (April to December) of 2008.
- In contrast, level 2 advice as a percentage of all advice requests fell from 48% in 2006/7 to 22% in the nine months of 2008.
- The more complex and ongoing advice categories (levels 3 and 4), as a percentage of the total, fell from 28% in 2006/7 to 6% in the nine months of 2008.



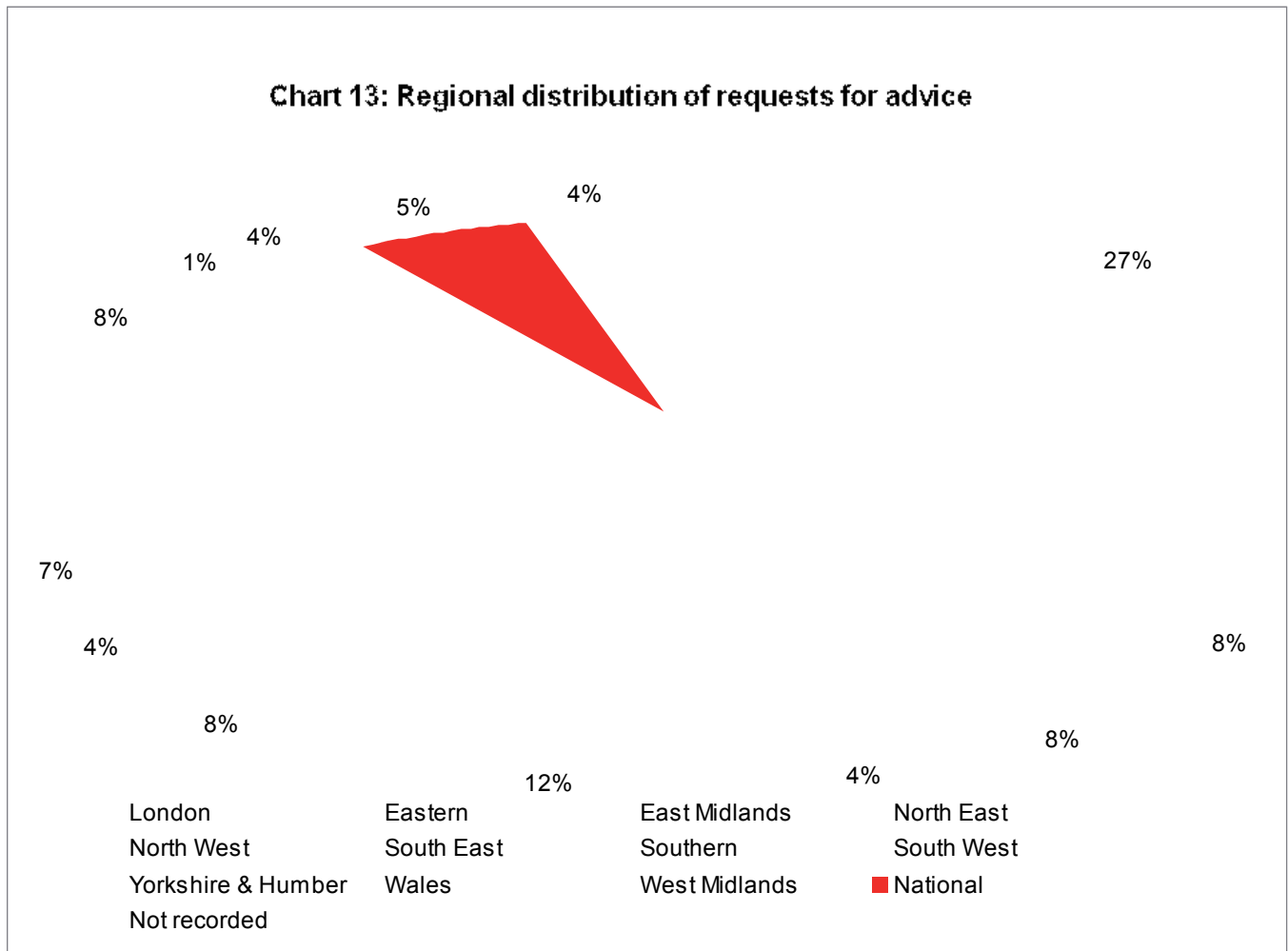
Type of organisation approaching PLP for advice



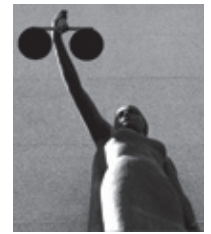
- **Chart 12** shows the wide range of organisations that have approached PLP for advice through the EVS project. 24% were from CVS/ infrastructure organisations.
- There are also high percentages of small local VCS organisations (9%), disabled groups including those working with people with learning difficulties (11%) and those working with people with mental health issues (6%).
- One in ten agencies approaching PLP for advice and support were groups serving BME and faith communities.



Regional distribution of groups approaching PLP for advice



- Chart 13** shows the distribution by region of the requests for advice and support made to the end of December 2008 (a total of 297 contacts). All regions are represented. Groups located in London and the South East accounted for 35% of all requests with 24% of requests coming from the North East, North West, and Yorkshire and Humber. One in 20 requests for advice and support (5%) came from organisations with a national remit.



4. Findings

The newsletter

Seven newsletters have been produced (two in each year, and a final one to be issued before the end of the project), against a target of 12. They have contained articles about: the project itself, Local Strategic Partnerships (LSPs), Year 2 of the project, how to use complaints procedures, LawWorks and the launch of the Commission for Equality and Human Rights. Alongside these pieces have been 'case studies' outlining how organisations, with or without PLP, have successfully challenged public bodies.

How people heard about EVS

Training participants

There was a range of routes through which training participants heard about the workshop sessions. Publicity about the training workshops was made available by NAVCA through its website, newsletters and electronic mailing to its membership. LIOs contacted as members of NAVCA were asked to cascade information about the training to their membership, including small voluntary sector groups. BME groups were asked to send out information to their members through an arrangement with Voice4Change England.

Opportunities were also taken at conferences and other events to publicise and promote the training. As awareness of the value of the training sessions grew across the voluntary and community sector, word of mouth became one of the most significant ways in which groups came to know about and access the training.

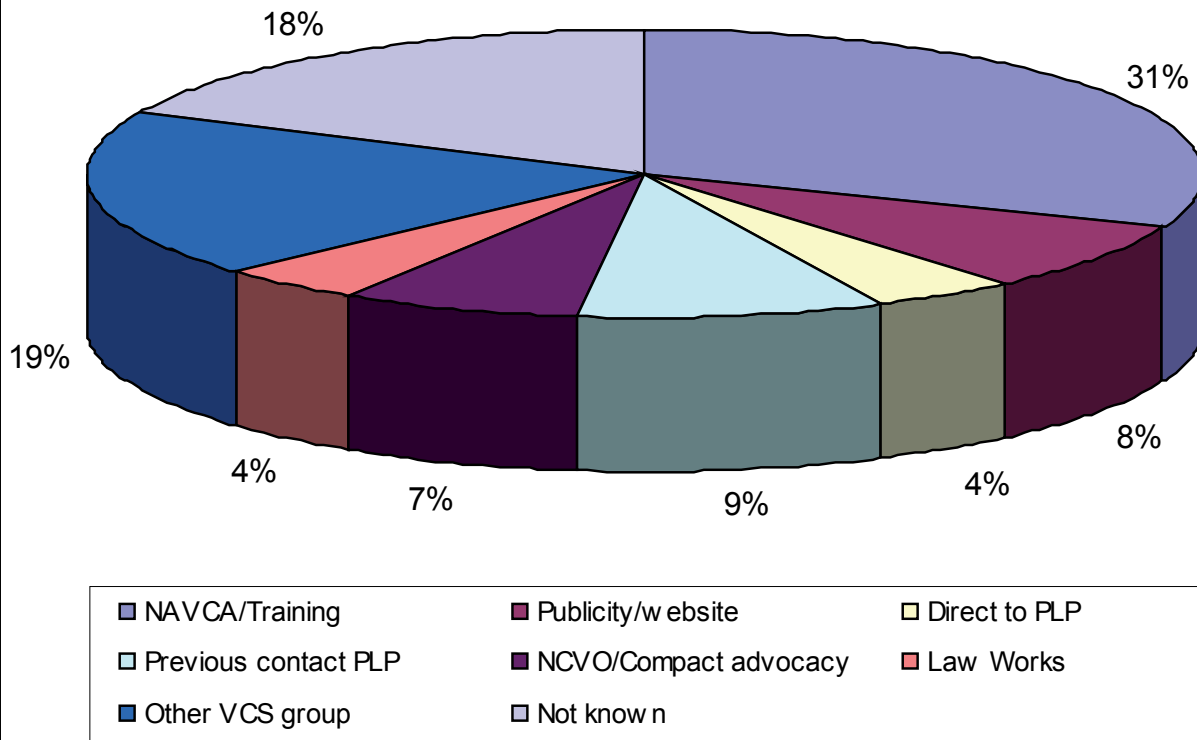
Advice line users

A summary for all three years is shown in Chart 14. It shows that:

- Nearly a third of clients (31%) said that they knew of the advice and support available from NAVCA, primarily through attending a training session.
- Almost a fifth of clients (19%) heard about the PLP advice service from other voluntary and community organisations or a colleague from another agency who had attended the training. Many CVS and infrastructure organisations were quoted here as the source of information and checking back through the training attendance reveals that most of these organisations had attended the training. Thus, training was highly influential in providing other (often very small groups) with information on public law and the advice available.



Chart 14: How those making requests to PLP heard about the advice service - total requests, all years



The interviews with the advice line beneficiaries support these findings and indicate that by Year 3 a significant number of people know about the advice line through NAVCA and the workshops; it is also the first time the NCVO Compact Advocacy Team is mentioned in relation to solving disputes. There are also examples of people using the advice line on more than one occasion.

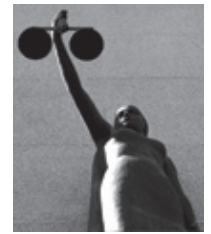
Why people use EVS

Training

At interview, people said they attended the first year's training as they wanted to strengthen the advice and assistance they could give to their

client group and share knowledge. They wanted to gain more information and clarity about their statutory duties, rights and responsibilities and increase their knowledge for engagement in meetings, discussions and possibly challenging the statutory sector.

In Years 2 and 3 there is evidence from the interviews that people were recommending the training, sharing this information with colleagues and other organisations and feeling more able to challenge the statutory sector. A member of the EVS steering group who attended training sessions early on in the life of the project and then at the end of 2008 commented that, at the later session, participants even at the start of the session demonstrated a much greater awareness around the issues that public law could address.



Advice line

Charts 15 and 16 provide an analysis of the main reasons for approaching the project for advice and support with public law issues.

- **Chart 15** gives the numbers of requests by year and the different reasons for making the approach. The largest number of requests in each year was in respect of funding cuts, reviews or changes.
- There was an increase from Year 1 on the number of requests that referred to tendering and procurement issues. This is consistent with the changing nature of the voluntary sector, with procurement and tendering processes for the delivery of services a larger and growing feature.

- Questions arising from the consultation and decision-making process adopted by the public authority (usually the funding local authority or Primary Care Trust) was the third largest category for advice in Years 1 and 2, but was overtaken in Year 3 (nine months' data) by requests relating to other local authority and government decisions, including planning and lease changes for community buildings.
- **Chart 16** summarises the main reasons for seeking advice from PLP for the three years overall. Funding reviews, reductions and cuts are the greatest reason for seeking advice, accounting for 40% of all requests, with tendering and procurement issues accounting for a fifth. Issues about the authority's decision-making process or the consultation process that was followed account for 14% of all requests.

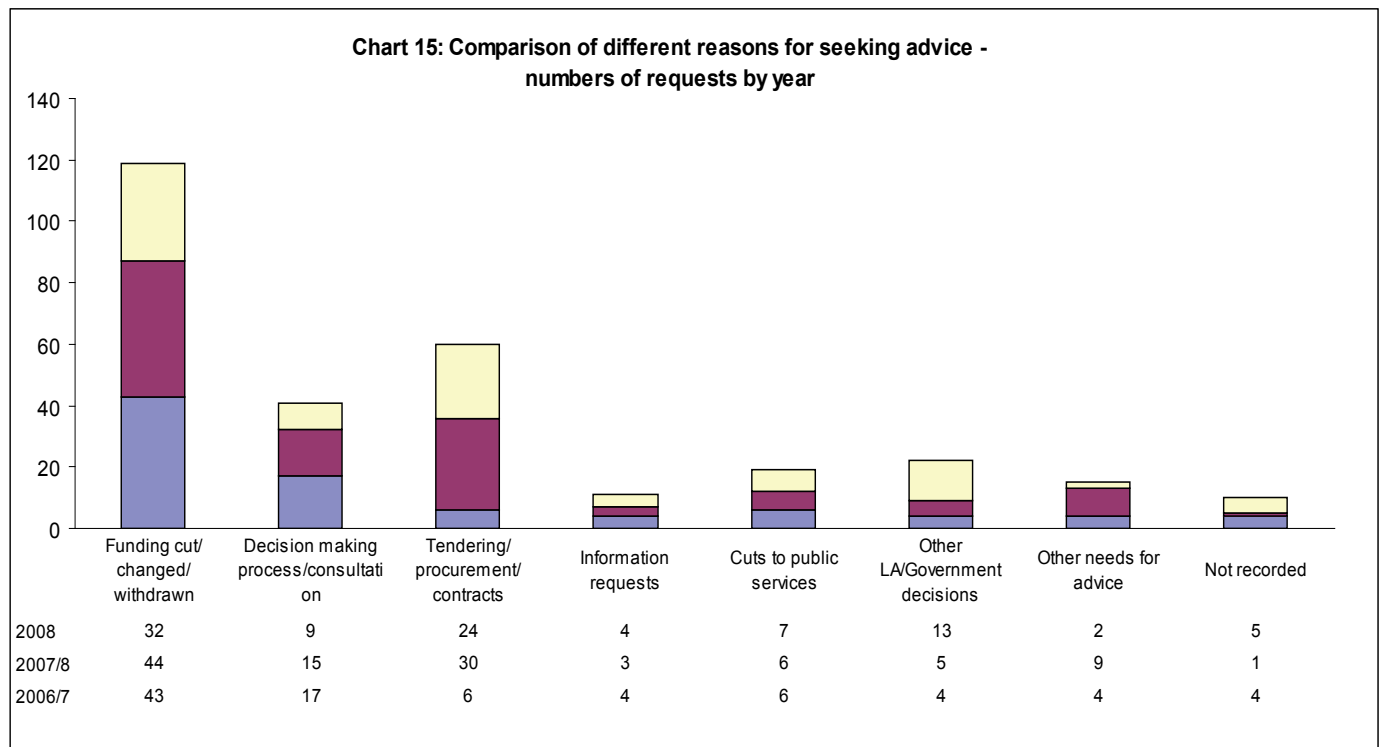
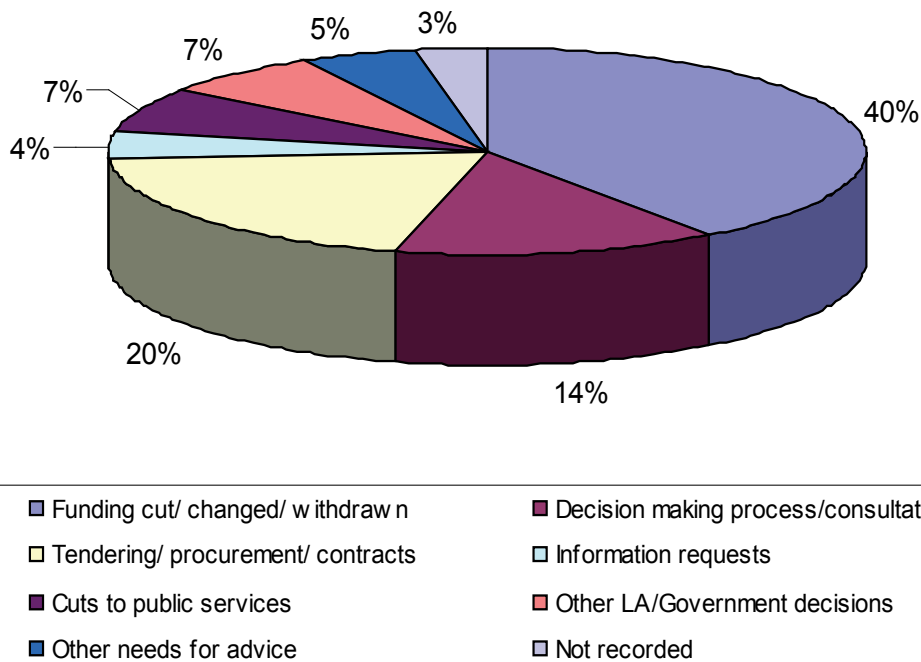




Chart 16: Main reasons for seeking advice - all years



The interviews with the training and advice line beneficiaries reflect these findings.

The quality of the service provided

Throughout the three-year evaluation there is evidence, quantitative and qualitative, that a high quality of service has been provided consistently by EVS, both through the training and the advice line.

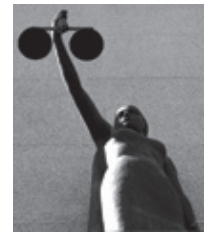
An analysis of the training evaluation questionnaires that were completed at the end of each training session showed that 74% of participants gave the highest score of 4 (where 1 was the lowest score) in response to the question about whether the trainer met their expectations, and a further 24% gave a score of 3.

There were similarly high scores for the style of training (69% gave 4 and 28% gave 3); the usefulness of the day (75% gave 4 and 24% gave 3); and the usefulness of the training for their workplace (80% gave 4 and 19% gave 3).

All the individual training sessions were given similar high scores – only the introduction and the group activities received just over 60% for score 4. Very few participants gave a score of 2 or less.

Participants were asked to identify which parts of the training session they had found most useful and over half (52%) said that they found all parts of the training useful.

Training participants commented positively on the training evaluation sheets and at the end of the interview about the quality and content of



the training, its structure and pacing. The types of comments interviewees have made over the three years are:

“it was empowering and affirming”

“the best day’s training I have ever done”

“Tremendous, it put a lot of things into place”

“There were many more experienced people on the training but all of them were amazed by how little they had known and how much there was to know”

Advice line interviewees were also very positive about the service PLP provides. They commented on the speed and quality of response and appreciated that the service is provided free of charge.

One of the important qualities of the advice line is the support it offers. Respondents felt reassured that PLP are there should they ever need them and others have felt very well supported whilst seeking advice and making challenges:

“PLP were extremely sensitive and knowledgeable and this is bred out of experience and empathy” (Manager, small organisation)

“Xxxx was incredibly helpful, and he dealt mostly with the county solicitor – who were having none of it” (Chair, community network)

“Dedicated, clear and passionate – exactly what you need” (Chief executive, medium VCS)

“The support was always there when we needed it, all I had to do was ring and I knew I would get the right advice when we needed it” (Officer with BME organisation)

Even when, as on one occasion, the beneficiary had to receive difficult information from PLP, the approach PLP took was appreciated:

“PLP gave us accurate, sensitive, relevant advice, which was not easy to impart but they did it in such a way that was sympathetic to the organisation and it helped us move on”
(Manager, small VCS)

When telephone respondents were asked if they would use the service again the overall majority said *“Yes, most definitely”*, *“Yes, absolutely”*, and *“Absolutely – I thought it was marvellous”*.

It has only been in Year 3 that a tiny minority of interviewees expressed any negative views about EVS; the overwhelming majority were wholly positive. Two advice line users had problems with the contact being very busy with one saying there was little room to explore the issues they raised.

Achievement of outcomes

Outcome (i) – Increased awareness in the VCS of the benchmark legal principles that regulate the conduct of public bodies and how Compact agreements can be strengthened.

The EVS project aimed to effect social change by teaching people, working at grassroots level, about the principles of public law, and at their exit interviews, its steering group members felt the project had gone a considerable way towards achieving this. As one member said, the term ‘public law’ now *“trips off the tongue”* at NCVO, and is falling into the common language, *“becoming part of the jargon, common currency”* in the sector more widely.



Moreover, the project has raised the expectations of staff in the VCS, and encouraged them to transmit these expectations to the public bodies they work with. The achievement of this outcome has also been assessed through interview with those attending training and using the advice line. The findings regarding public law are considered first.

Public law

This outcome has been achieved since Year 1 and whilst it was felt that it was without significant depth in that year, by Year 2 and 3 this awareness deepened in that respondents gave more detailed answers and there is evidence of people using the information in their interactions with statutory organisations.

Training

Almost all of those attending the training over the three years of the project said that they had no knowledge of public law prior to the training and this has been supported by the analysis of the post-training evaluation sheets. Words and phrases like “*zilch*”, “*zero*”, “*absolutely none*” were used to convey the complete absence of any understanding. A small number of respondents who had some background in another area of the law, referred to a broad awareness but emphasised that this was only very general and of no real use in practice.

For those without any knowledge beforehand, the training has clearly provided them throughout with a sound basis of knowledge. In Year 1 people expressed this in terms of knowing that verbal agreements could be binding and that VCS have powers available to them. More detailed answers emerged in Year 2 and 3 with respondents commenting:

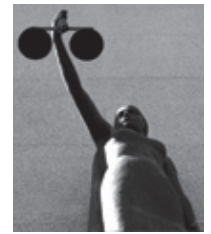
“I picked up huge amounts of information”
(Deputy director, regional infrastructure organisation)

“Tremendously, it put a lot of things into place”
(Chief executive, CVS)

One training participant (the chief executive of a CVS) admitted that he would have said that his understanding of public law was good before he attended the training, but in the event it helped him to see that he had not really understood it at all.

Several respondents indicated that they had been in the sector for some years and wished that they had known about public law before, because they could think of a number of occasions in which it would have strengthened their position in their relationship with their funder.

A number of respondents elaborated on their understanding of public law now, in such a way as to demonstrate that their newly found knowledge had substance and had endured. This was illustrated by things that people said, including that funding decisions have to be made with transparency and fairness, that written documents (such as promises of funding) can form the basis of a case, and that there is a duty on public bodies to follow ‘due processes’. Some however, indicated that the awareness they had gained from the training was rather superficial, and that they would need to go back to their training notes if, for example, they needed to explain the issues to someone else. A small minority said that the training was some months ago and they could not really remember anything, as they had not needed to use it since.



Advice line

The majority of the advice line users, over the three years, had a similar low level of knowledge of public law prior to using the advice line although some had a level of knowledge from the work they had undertaken addressing their problems prior to contacting EVS. In Year 3 there was evidence of people having some knowledge from having attended the training and used the advice line before, or from the work they did.

Advice line users' increased awareness was not always dependent on the amount of involvement they had with PLP. Whilst some, whose interaction was only an exchange of emails or telephone call, said it did not increase their understanding (nor did they expect it to) others felt their understanding really changed. For example, one respondent said "*absolutely yes*" and after one phone call had gone on to successfully negotiate change with their local Primary Care Trust (PCT). Others said "*it crystallised*" and "*clarified*" their thoughts. For some, knowing that the principles existed was enough to make them feel they had a right to challenge.

Those who had more contact with PLP demonstrated, from Year 1, that they had increased awareness. For example, in Year 1 a very small group of community volunteers understood about judicial reviews and their right to challenge their local authority over its consultation process, they have attended full meetings of their local authority's cabinet and have raised questions at these meetings; a medium sized organisation in Year 2 went to Judicial Review and subsequently wrote guidance as a resource for other organisations and gave press interviews in which they explained the principles of public law. In Year 3, even though specialising in law themselves, another organisation acknowledged that public law

was highly specialised and that they had gained a greater depth of understanding.

Compact

It was also felt that this outcome might not have been achieved in much depth in relation to the Compact in Year 1 and Year 2 but by Year 3 there is an indication that this outcome is being achieved, but to a lesser extent than in relation to public law.

Training

Respondents' awareness of the Compact prior to attending the training, varied enormously. A number had been directly involved in negotiating local Compact arrangements, some even being the lead VCS representative in negotiations. Others had heard of the Compact and were perhaps aware of its role in broad terms. A very small number (new to the voluntary sector) were completely unaware of the Compact.

In response to being asked about the extent to which this had changed since the training, again the responses varied. Some (mostly but not exclusively) who already had a good level of awareness said that this had not been changed by the training. However, some who already had a good awareness highlighted ways in which the training had enhanced this:

"Yes, I realise now that if a local authority signs up for it they are making commitments that can be legally enforced. It has put a lot of things into focus" (Chief executive, CVS)

"It's given me more tools on how the Compact could work" (Director, faith body)

"Now that I'm aware that the Compact has teeth I've arranged for all of the Compact steering group to attend the training" (Development manager, CVS)



Those who had little or no prior awareness of the Compact described ways in which the training raised their awareness:

“I now understand what it is and its potential influence” (Youth volunteer officer, volunteer centre)

“It brought home how much work there is to do on it locally” (Funding adviser, CVS)

A small minority of respondents who had no prior awareness of the Compact, however, said that, as a result of attending the training, this had changed either little or not at all.

Advice line

The majority of those respondents who contacted the advice line once or for only a short period of time did not feel the process had enhanced their knowledge, nor did they expect it to, but there is more indication that this outcome is being achieved in those who have a longer engagement with the advice line.

There is evidence of people’s growing awareness of the power of the Compact and how it could be used. A small community group’s knowledge had increased from nothing to being able to influence the promised re-writing of their local Compact to rid it of ambiguities. Others have shared the knowledge with other organisations in the sector and with local authority officers and changed the nature of the working relationship. In another example, where the case went to Judicial Review, the interviewee now realises that there are key sentences in the Compact that *“really mean something”* and the Judge commented in his conclusion that the Compact was not just a *“wish list”*.

Newsletter

The newsletter has also raised awareness through articles on, for example, the Equality Duties and also ‘case studies’ describing how organisations have made successful challenges, including one where the Judge commented on the importance of the Compact.

[Outcome \(ii\) – Increased ability of those in the VCS to apply the principles to their organisations, to recognise potential public law breaches and to seek further help from the project where necessary](#)

The telephone interviews in Year 1 found that organisations had not yet had cause to apply the knowledge but had greater confidence to question the process in place and become more equal partners in negotiations with the statutory sector. By Year 3 there were varying degrees of confidence in this ability and differences between training and advice line beneficiaries.

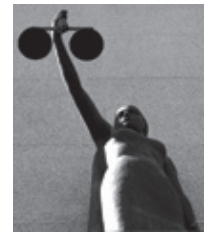
Training

The majority of training respondents said they were now able to recognise a breach in public law but with varying degrees of confidence. Some of the less assured responses included:

“Possibly, certainly I’d question more than I would have done in the past. I may not get it right but it would flag up for me that something might be wrong” (Office manager, advice centre)

“I would hope so, though nothing has come up yet” (Development manager, volunteer centre)

Others were more confident:



“Yes, it has woken me up to the kinds of things to look for, like the consultation process”
(Deputy director, volunteer centre)

“Yes, it’s made me aware of the things that could be contested” (Chief executive, CVS)

“Absolutely – the case studies were very useful” (Deputy director, regional infrastructure organisation)

Several interviewees had identified a potential breach of public law, either in the course of the training or subsequently. One interviewee explained that he had identified a potential breach after the training and had advised the voluntary group in question to consult the PLP website that was referred to during the training course he attended. Another interviewee thought he recognised a potential breach in relation to a community group he was working with and got advice about it from the trainer on the training day itself.

One interviewee indicated that she felt able to recognise a breach now, and would go back to her training notes to check her understanding. However, she was aware that if she did not apply the learning in some way, her ability to do so would fade over time.

Asked where they would go to for legal advice if they suspected a breach in public law, respondents demonstrated their confidence in PLP. Some also (or only) mentioned NAVCA, perhaps revealing that they were not entirely clear where precisely the expertise lay. Many will have been more familiar with NAVCA than PLP, and will have known that the training was led and delivered by NAVCA.

Some said they would first of all check the PLP website to establish for themselves whether it was

worth going ahead and calling the advice line.

Some referred instead to going to their own high street solicitor in the first instance, and those working for a national organisation indicated that they would refer the matter to their legal department. NCVO and Community Matters were also mentioned as places to go for legal advice. One person mentioned the LawWorks website as identifying lawyers who were available to give pro bono advice.

Advice line

These respondents did not feel as able as the training respondents to recognise potential public law breaches. The majority said they would not always be certain and would need to get more information or go back to PLP. This difference in ability could be due to the training interviewees answering this question hypothetically, whereas advice line users had been faced with the problem and evidently felt that they needed to take advice before they could be sure.

When asked about where they would go for legal advice or signpost others, the response was the same as for the training respondents and they equally demonstrated their confidence in PLP; they were seen as the specialists and there was a clear indication of the importance of PLP to the VCS. Responses included:

“Their response was very good and I wouldn’t hesitate to use them again. I have passed details on to another of the schemes” (Regional adviser)

“Absolutely, I thought it was marvellous” (Chief executive, CVS)

“We would use them again definitely if we had any problems again with our grant and would tell other people if they were in a similar



situation or faced cuts to use them” (Officer with BME group)

The fact that the service was free was also an important consideration to organisations.

Some advice line users could demonstrate where they had been able to apply the principles to their organisation. There was evidence of statutory organisations reconsidering or revoking their decisions although not always accepting any blame. For example an organisation challenged a Government Office and other statutory organisations over their decision regarding the eligibility of a funding proposal, and in light of this challenge, the decision was revoked but they did not accept they had acted unlawfully.

Another small organisation’s challenge of its local authority’s decision to cut its funding has led to an investigation which is still ongoing; one small community group’s challenge led to a scrutiny committee becoming involved and a medium sized charity was able to renegotiate with its PCT over the rights to publish a report it had been commissioned to produce. These results were achieved not because the organisations had gone through a legal process but because they had used the knowledge and support gained through using PLP to question procedures, mainly in the form of letters, which often PLP helped them construct.

There have also been some direct and indirect results from applying legal processes. For example, a Tenants Association initiated Judicial Review proceedings on its local authority due to the increased heating charges imposed on tenants and the local authority revised its decision rather than go through the review process; another organisation that went to Judicial

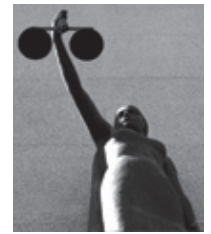
Review achieved the direct result of the Judge squashing the council’s initial decision but ruling that its subsequent consultation was adequate; the indirect result was that, since this case, the council’s consultation process has been ‘spot on’.

Several members of the steering group mentioned the importance of the Southall Black Sisters case in being a high profile case that has been talked about in the sector, especially perhaps amongst BME groups, reaching people who might not have seen the newsletter or attended the training. The Southall Black Sisters case will have reached the whole of the BME sector and will have raised the profile of EVS enormously. It was successful in getting the message out that using public law can work for you.

Outcome (iii) – More effective participation by the smaller groups within the sector in the decision-making process that affect them and their users

It was difficult to measure this outcome in Year 1 as initially neither the training programme nor the advice line were capturing data on whether small and/or black and minority ethnic organisations were service users. This issue was raised with the steering group, who developed a process of ‘trickle down marketing’ whereby NAVCA encouraged its LIO members to host training sessions that their staff and others could attend. The LIOs stated that they would in turn promote the EVS project to their membership, thereby giving EVS the potential to reach upto 32,500 groups, many of which would be small organisations. In Year 2 the project began capturing the BME data for training attendees.

EVS has also produced a short guide to support the ‘trickling down’ process. This sets out briefly and in plain English the principles of public law



and the responsibilities of public authorities. It also gives contact details for both PLP and NAVCA.

Training

Analysis of the training beneficiaries shows that over the life of the project more than half of them came from locally based voluntary and community groups, many small with few paid staff. At interview, training beneficiaries indicated that they feel more confident and able to participate in decision-making processes and some of these were smaller organisations. They explained how the training had made them feel better placed to participate in negotiations with the statutory sector:

“Yes, because now I’m starting from a position of being able to challenge. It is from a position of strength. And it means I can advise other small groups, so it would not just be us that were challenging” (Director, faith body)

“I wouldn’t just accept what they say as gospel as people have been wrong in the past and judgments overturned” (Trustee, independent living centre)

Some of the larger organisations attending the training were then able to identify breaches in relation to organisations they worked with, and some of these were small organisations.

There was also evidence in Years 2 and 3 that those attending training with an infrastructure role had cascaded the learning both to colleagues (including their managers) and to the organisations they work with (including some small organisations).

There was also evidence in these years of attendees having cascaded the training by arranging for it to be delivered to other voluntary sector organisations in their locality. One had

arranged for it to be delivered to their Compact group made up of both the statutory and voluntary sector representatives.

Advice line

Analysis of the advice line data across the three years shows high percentages of small local VCS organisations (9%), disabled groups including those working with people with learning difficulties (11%) and those working with people with mental health issues (6%).

One in ten agencies approaching PLP for advice and support were groups serving BME and faith communities.

The fact that small organisations are beneficiaries of the advice line is an indication that they are questioning the processes and decision making of the statutory sector. Those interviewees that were from smaller organisations were, for example, challenging their right to publish a report, being left out of consultation processes, not being invited to tender for work, and decisions being made about their funding that appeared to be arbitrary or lacking transparency.

Outcome (iv) – Increased confidence and effectiveness of the VCS representing the interest of individual groups and their service users

Since Year 1 respondents from both the training and the advice line have been able to demonstrate an increase in confidence in communicating and negotiating with public bodies but there are differences between the two types of beneficiaries.

Training

Training evaluation forms show participants felt a significant increase in confidence in using or negotiating on public law issues after attending the training.



An important issue for many of the training interviewees is the imbalance of power between the voluntary sector and the statutory sector. Many of the organisations that attended the training were from infrastructure organisations and national umbrella organisations that represented smaller organisations delivering local services. Therefore, if their confidence and effectiveness increased it would have a beneficial effect for their service users.

A number of respondents felt that having the knowledge of public law meant that they could enter negotiations with public bodies with greater confidence, just because the training had made them aware that public bodies *“do not hold all the cards”*:

“I would feel more able to have my say. I feel more confidence to speak up now, even in relation to issues that have nothing to do with public law” (Office manager, advice centre)

“I’d know my rights and draw my confidence from this. I wouldn’t be pushed around” (Development manager, CVS)

“It’s in our remit to challenge, and having the knowledge helps considerably” (Deputy director, volunteer centre)

“Now I’ve got clearer principles to hang any issue on – this has made me more confident” (Chief executive, voluntary action)

“Knowledge is power and the extra bit of knowledge I gained means I could nail them down quicker” (Project manager, infrastructure organisation)

“Public law is a last resort but knowing it is there is empowering” (Deputy director, volunteer centre)

Others, while they acknowledged that it was useful to have the information, felt that it would need more to make them feel confident. When asked whether he would feel more confident in future, one responded:

“Not really, though it is an additional tool” (Deputy director, regional infrastructure organisation)

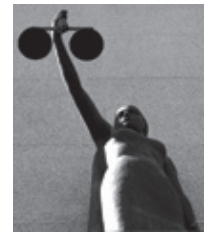
“No, it would be more about making notes, so that if things went wrong they could be used” (Services manager, national umbrella organisation)

The issue of having the confidence to challenge a public body in the event of a potential breach raised important issues about the nature of the relationship between funder and funded, and the imbalance of power re-emerged as a factor. A number highlighted the risks involved in making a challenge:

“It’s not an issue of confidence, more whether this would be the best way forward. We might still want to preserve a relationship with the public body” (Services manager, national umbrella organisation)

“I’d be reasonably confident to make a challenge, but I’m aware of the funding relationship with the council and you can’t throw your weight around without reference to that”. (Development manager, CVS)

“The relations with local authorities are still so complex and local authorities hold all the cards, despite reassurances. You’d have to tread very carefully. Some councils might respond positively but for others, they might regard you as a trouble maker and think, “why fund him?” (Chief executive, CVS)



“It’s not so much a question of confidence, it’s about frustration that they hold all the cards...if they want to keep you out of something they will”. (Chief executive, CVS)

As several noted, while it is helpful to be aware of the law and the rights that it confers, it would be unwise to have recourse to it without first trying to resolve the matter through discussion and negotiation:

“You need to tread carefully as the sector has to build relationships with the statutory sector – don’t jump straight into the legal, it’s about relationships”. (Community involvement officer, community empowerment network)

Some talked about letting it be known that they understood public law principles ‘in conversation’, in order to alert the public body to the need to proceed within the law, thus avoiding the need to make a direct challenge. As one said:

“Knowing what I do from the course I could imply that I know things and worry them a bit. That makes me feel stronger – I have a bit more power”. (Chief executive, CVS)

“If you hit a snag in the consultation process you can point out that this could lead to a legal challenge further down the line. They listen to that”. (Community involvement officer, community empowerment network)

One respondent felt that although the training had given him the information on which to base a challenge, it did not make him feel more confident about doing so:

“Negotiation is a skill that needs practising, and I don’t have an opportunity in this role. The

training was about knowledge transfer anyway, not about developing skills”. (Deputy director, volunteer centre)

One respondent said that she now felt quite confident to challenge a breach, in part because of the knowledge that the training had given her but also because of the back-up she felt was there from PLP and NAVCA. Some said that they would check their position and course of action with the advice line before making any challenge. A number referred to the training pack as a resource at such a time:

“I would go through the checklist we were given on the day to make sure I was appealing on a sound basis”. (Trustee, independent living centre)

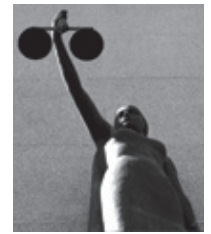
Others demonstrated the learning from the training by spelling out the process they would adopt:

“I would ask for the legal grounds for making their decision, and ask for written evidence”. (Chair, CVS)

Some respondents felt that they would recognise a breach but that their role in the organisation meant it was inappropriate for them to make a challenge, and so they would raise the matter with their line manager.

Advice line

24% of the advice line users were from CVS and other infrastructure organisations and, as was the case with Voluntary Action Leicester, successful challenges and/or negotiations by these organisations can be in the interest of small groups and the recipient of their services. It may also be assumed that the increase in demand, through the



life of the project, for level 1 advice is an indication that organisations were more confident in their knowledge of public law principles and were approaching the statutory sector to question their decision-making processes at an earlier stage.

The findings from the advice line interviews reflected that of the training but with the difference that many of them found themselves in the position of having to have the confidence to actually carry out a challenge, legal or other, of a statutory body and this raised certain issues for them. This confidence was influenced in different ways.

For some organisations the challenge was not made because of their trustees' concern about the financial costs, the time that would be involved and the implications for them and the organisation.

Others were prevented from challenging because of the tight time scale and the sheer amount of work they had to do just running their organisation.

When faced with the decision the enormity of it became very real, one organisation summed it up well:

“Nobody goes into this lightly, (talking of a considering a judicial review), I can assure you, you have to think about it very carefully’.....It is the old David and Goliath – there’s no question about that. Even if you’ve got on the face of it an excellent case, the thing about judicial review is that in the worst case scenario it just allows the public body to get their act together in terms of practice, go back and do it properly and then do exactly the same thing. And you may have damaged your relationship with them irretrievably”. (Head of advice organisation)

Others commented that to have the confidence to challenge they needed the support of PLP:

“If PLP hadn’t been there and backed us we wouldn’t have done that (challenged) it’s too hard to fight individually, I’ve no stamina for that’....’it was like manna from heaven when they said you are legitimate in what you are doing”. (Chief Officer, small VCS)

Organisations weighed up the desire to challenge with the need of their service users. One small organisation said:

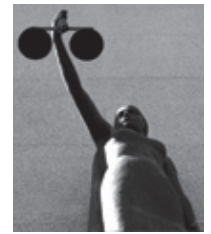
“We would not do it lightly however it needs to be done. It has to be balanced with the needs of the clients. When dealing with violations of human rights it’s a balancing act of needs of people in the immediate and the long term need to challenge the system that creates those violations”. (Manager, small VCS)

In the event they decided to challenge with the following outcome:

“We are now under no pressure to pretend when we are in arenas with these people. So it brings freedom. We feel freer but also feel we are automatically being perceived of in a particular way, labelled and put in a box, so if we do anything we will be read from that perspective”.

As the chief executive of a medium size VCS commented:

“It should be done with care because of protecting relationships but we need to be bold though and organisations should be challenged”.



Outcome (v) – Maintenance of stable services by the sector to disadvantaged groups

This is a long-term objective, not easily measurable within the timeframe of this evaluation. One possible indicator that may be used is the amount of funding that is retained within the sector as a result of legal representation and advice from PLP. For example, the original challenge by Voluntary Action Leicester, which inspired the instigation of this project, also enabled a number of small VCS organisations to keep their funding. In Year 1 PLP estimated that £250,000 was retained by smaller, disadvantaged groups and estimated that Year 2 was similar. It is too early to assess the sum for Year 3.

The importance of EVS as a resource

Asked whether EVS should continue, there was almost universal agreement that it should:

“Yes, especially for smaller organisations that have trouble over funding”. (Office manager, advice centre)

“Yes, especially with a move from grant to commissioning”. (Community involvement officer, community empowerment network)

“It was very useful – we feel isolated and vulnerable as a small organisation, with the market model changing”. (Trustee, independent living centre)

The few that did not feel it should continue as it currently operates were mindful of the reality of limited funding streams, and keen to consider how the key elements might be continued. One felt that the training might no longer be needed since the project had been so successful in reaching out into the sector, but that the advice line was crucial.

Another felt that not only should EVS continue but that it should be strengthened to include:

- a bigger advocacy component to help people take cases on
- assertiveness training to help people to effect real change
- condensing the legal information into half a dozen key facts that could be made into a poster to put on office walls.

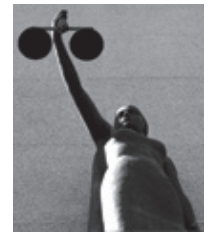
A few people identified the importance of the voluntary sector using public law to challenge the public sector in terms of longer-term benefits for the VCS as a whole:

“If there is a breach, go for it. It may be hard to bite the hand that feeds you but it may also improve the practice of the public body”. (Deputy director, regional infrastructure organisation)

There is some evidence that the training has highlighted the importance of efficient administrative practices in the sector, including:

- keeping careful notes of what funders have said and when, especially in relation to promises made
- putting things in writing to funders
- being aware of and marshalling the facts
- having to hand the funder’s own policies and procedures for checking.

However, it should be noted that these observations about improvements that they could make to their working practices were only made by a minority.



Making legal advice accessible

A number of ideas for making legal advice available to the sector, both in general and specifically in relation to public law:

- Templates and a toolkit, to provide people with a clear process and steps they can take
- An online discussion network
- Having information on key networks (including CVS and other infrastructure organisations), including with links to PLP and NAVCA websites
- Having it flagged up more prominently on the NAVCA website
- Using case studies to bring it alive, ideally with examples of successes
- Through Citizens Advice Bureaux
- Continuing to run the training
- Running training specifically aimed at trustees
- A legal department within NAVCA able to provide advice to the sector
- An advocate in each region who could be called upon for advice and support
- PLP attending local conferences, speaking at county-wide infrastructure consortia, and going to AGMs.

This last suggestion was made by someone who described public law as *“still new and alien. It needs something local to give it a higher profile, at the moment it seems to be an esoteric thing”*.

Some referred to email bulletins, but on the whole these were dismissed on the basis that people are now flooded with them, and would really only want to read them if they were currently facing a potential public law issue.

The project's exit strategy

PLP and NAVCA have put in a bid for more BLF funding from the Basis Programme. It is a joint bid with Compact Advocacy (CA) and is for at least 2.5 years. The bid was solicited by BLF, who said they wanted CA and PLP to put in a joint bid.

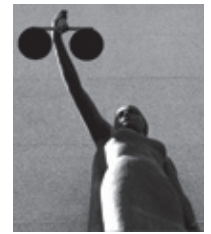
It would pay for half a lawyer's time, the NAVCA trainer's post, support, management and administration. It would fund training and legal advice.

It builds on lessons learned from the EVS project in the following ways:

- This time they would ensure that there was a filter and PLP only took on legal work, not letter writing etc. which consumes too much of their resources at present.
- By working with Compact Advocacy they would enable problems to be appropriately dealt with.
- There was no administrative time for PLP in the bid and the full-time lawyer has had to do it all. The amount of record keeping needed to monitor the services was not anticipated.

PLP lawyers have been surprised by some of the administrative practice by parts of the VCS: poor record keeping, people not being able to find their SLA and being unclear about what their terms of reference are, not keeping correspondence and not acting immediately to question 'rumours' about cuts in funding. PLP will be producing an online handbook which will include a section on record keeping.

Linkages are being made with the Compact Advocate at NCVO. If Compact processes can be more public law aware, this would be a way of perpetuating the learning.



Turnover in the sector is high because of its dependence on blocks of funding, so keeping up awareness is hard. The training handbook and website are useful but in a few years' time will be out of date if there is no funding to maintain them.

Evaluation of the process

Membership and meetings

It was pointed out that a steering group should not grow too fast or too large, and that the steering group for EVS has expanded incrementally. PLP and EVS are the core members of the steering group and what they wanted from it was a mix of perspectives. They wanted to use it to get a feel for whether they are doing the right thing and in the right way. They wanted feedback on what they are doing and whether they are missing things.

Steering group members were approached for their qualities as individuals rather than representatives of agencies. Members bring their 'real life' perspective to the project through, for example, their experience in delivering frontline services and working for infrastructure agencies. Several members were recruited to the steering group having first used the services of EVS – either the training or support – and this is seen by them and the core agencies as giving them a good feel for the project and what it is trying to achieve.

PLP and NAVCA wanted help with spreading the word about the project more widely, in particular to small, BME and disability groups. BME organisations were represented on the steering group from Year 1 through Voice4Change England, the national BME infrastructure organisation that has a membership of over 5,600 organisations.

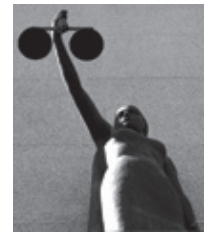
They have not managed to find someone with a disability specialism, although an existing member of the steering group has some expertise in disability and impairment, and is able to feed this in.

There were difficulties in achieving representation of smaller organisations on the steering group, although it is appreciated that this is difficult because of the problems they have in sparing people for such tasks when they are struggling to survive. The steering group has considered the possibility of paying someone for their time to compensate for the loss to the organisation. They approached Community Matters to get someone from a small organisation but ultimately this has proved fruitless. They sent someone who came only once, and then failed to send anyone else.

There is a representative from a rural CVS on the steering group, and this is thought to bring an important and distinct perspective. In rural areas communities are dispersed: there are the same needs but the services do not necessarily exist as they do in urban areas. There are fewer people involved in decision-making positions and personalities come to the fore. In a city you are challenging a department, whereas in a rural area you are challenging an individual who you are going to need to work with afterwards.

PLP has looked to NAVCA to provide the knowledge of the sector, and to other members of the steering group to expand that knowledge further. They have looked to them to reach organisations that PLP would not normally be able to contact.

Initially the Director of PLP was a member of the steering group but he handed this over to the Head of Casework in PLP during the second year,



because it fell more appropriately into her work remit. By this time the project was well underway and he was confident that it did not require his close involvement.

The steering group meets four times a year. Members are paid their travel expenses and a small fee.

In between meetings, members are asked to comment on draft papers and occasionally draft them.

Some members feel they have been able to be more involved over time, because of their growing understanding of the project and how they can contribute to its development.

With the benefit of hindsight some steering group members feel that it might have been helpful to make the expectations that PLP and NAVCA had of each other and other members of the steering group clearer at the outset. This is not to suggest that the steering group has not been useful, because it clearly has, but more that it might have taken less time to become fully functioning, and all agencies would have been able to make a better assessment of what could be achieved.

What had been its main successes and to what could these be attributed?

PLP normally wants to effect social change through test cases, which provide legal precedent. In this case they wanted to educate at the grassroots – to provide the people at grassroots level with the information to lobby and persuade public bodies – to teach them about the principles of public law as a way to effecting change themselves. There was a strong feeling amongst members of the steering group generally that the project has gone a long way towards achieving this.

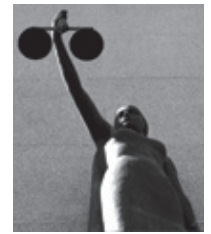
This was illustrated by the fact that the project has been mentioned in several parliamentary debates about the third sector. The term ‘public law ‘trips off the tongue’ now at NCVO, and is falling into the common language, becoming part of the jargon, or ‘common currency’ in the sector more widely.

It is felt that the project has sewn the seed, so that more and more people have higher expectations, and can transmit these expectations to public bodies.

From PLP’s perspective this project has been about teaching about settled law that is not in dispute, rather than about pushing back the boundaries of the law. However, several members of the steering group referred to the Southall Black Sisters case as being useful in that it was high profile and therefore promoted the potential of public law to a wider audience. In particular, it has reached members of the BME community who would not otherwise have heard of PLP.

Several steering group members emphasised that the real value in public law comes from raising the issue early on, before decisions have been made. It can then be resolved in a collaborative way so as to influence the culture of the public body while maintaining a positive relationship with it. It was described as “*a very practical tool*”.

Compact has proved more useful than some members of the steering group might have anticipated. One described it as “*a hook that you can hang a public body from*”, because it is “*tangible*”, and because it is “*a (supposedly) set of agreed principles*”.



If there were any disappointments, what were these and what had been the cause?

Some members of the steering group were disappointed that the project had not reached more small groups, in particular BME ones. It was felt, in retrospect, that perhaps members should have made their expectations in this respect clearer early in the life of the project so that NAVCA (who were seen as having expertise in this respect) could have made an assessment as to what could reasonably be achieved.

In addition to using Voice4Change England, NAVCA targeted BME networks, and liaised with local LIOs to target BME groups known to them. NAVCA has run BME-specific training, advertising that the focus will be on the race equality duty. This has worked well. It has been estimated that BME groups account for between 12% and 17% of organisations in England and overall nearly one in ten organisations attending the workshops worked with BME groups. However, it has taken more time than anticipated. In retrospect it would have been better to have started this outreach process earlier. NAVCA focused on CVS in the first year because they knew they had a new message, and wanted to reach the audience most likely to be receptive to it, but they should have been targeting the BME and smaller groups from the beginning of Year 2.

There was some feeling too that the project may have fallen short of expectations in reaching smaller groups. It was pointed out that it is easier to reach the small groups that are affiliated to their CVS. One steering group member is aware that in his area there are 260 organisations affiliated to the CVS but there are 360 registered charities. That means that there are a vast number that are not reached through the CVS, and that these are likely to be the small, independent ones. That said, they are also ones that have no formal relationship

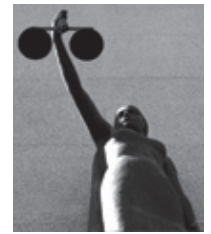
with public bodies (except perhaps the hire of rooms, for example).

Several members of the steering group referred to their disappointment that the sector does not appear to accept responsibility of the need to up-skill itself in order to operate effectively in the external environment. Some have been surprised by the poor quality of letter writing within the sector. PLP have been teaching people basic skills, like sending “temperate letters rather than rants”. They have been shocked by the inefficiencies in the VCS, such as poor record keeping, people not being able to lay their hands on their Service Level Agreement and being unclear about what their terms of reference are, not keeping correspondence and not acting immediately to question ‘rumours’ about cuts in funding. The on-line handbook that they produce will include a section on record keeping.

Finally, it was mentioned that it was disappointing not to have had a closer working relationship with Compact Advocacy. PLP’s perception at the time of the initial bid was that Compact Advocacy did not find the introduction through EVS of a legal or litigious element helpful, and that they may have considered the project to be in competition with them. These misunderstandings were resolved, but it was felt that it would have been better if their relationship had been closer from the outset.

How effective has the steering group been?

The concept of a steering group was new to PLP at the start of this project, and so they looked to NAVCA for guidance as to how it should operate. Not having any experience to draw on they were concerned at first that the steering group may wish to become involved in the professional decisions that PLP would need to make about individual cases. However, NAVCA drew up terms of



reference for the group which clarified the extent of its role, and so this turned out not to be an issue.

Steering group members report that there is good discussion and debate, although PLP and NAVCA make the ultimate decisions. It was said that everyone has an equal voice: there is no question of status.

The steering group was to act as a “*sounding board*”, their role being seen primarily as one of influencing rather than deciding. As one person pointed out, “*it is a steering group, not a management committee*”. As the lead organisations, PLP and NAVCA bring options to the steering group that they would be happy to deliver, and the group gives its views. Other members of the steering group are happy with this, viewing PLP and NAVCA as the “*experts*”.

Agendas were said to be structured “*but not overly so*”, and there was good discussion and debate at a reasonably detailed level. On the whole, members felt that they were given about the right amount of information on which to base decisions: only one member felt that it was sometimes too much and described it as “*overwhelming*”.

The steering group does not appear to have needed to make many strategic decisions, because the project has gone largely according to plan. On the whole it is used more to provide advice and guidance about meeting its targets and working to best effect. Any strategic decisions that there have been are said to have been reached by discussion and reasoning, although other members tend to see PLP and NAVCA as having ultimate responsibility.

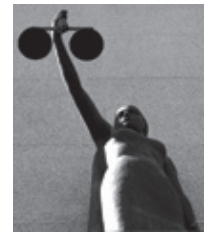
One example of a strategic decision was to have master classes and online guides rather than a

conference towards the end of the three years. This was felt by PLP to be a helpful alteration in their plan.

There appears to have been one occasion when some members felt that a document had been redrafted without due account being taken of the comments of some members. However, the most common view of this was that it was the result of a misunderstanding.

Operational decisions were generally made between meetings, usually by PLP and NAVCA, occasionally also involving telephone consultation with individual members. The clear demarcation of roles between PLP and NAVCA was said to be helpful in enabling operational decisions to be made appropriately. However, both PLP and NAVCA inevitably have an interest in how the other side is delivering their part of the service, yet there is no line management arrangement between the two. Hence, a decision was made to have quarterly meeting between PLP and NAVCA in order to enable both agencies to be involved in key operational decisions.

Several steering group members referred to the range of perspectives represented there, and the value of this. There was said to be a diversity of membership in terms of thinking, experience and knowledge.



5. Conclusions

The key findings of the evaluation are summarised as follows:

The beneficiaries

Training

- 104 sessions have been delivered to 1051 beneficiaries compared to a target of 66 sessions and 990 beneficiaries.
- More than half of those attending came from locally based voluntary and community groups, many of whom were small with few paid staff.
- Nearly one in ten worked with black and minority ethnic groups. This is a significant increase in the representation from those groups compared to the early phase of EVS and is due mainly to the efforts made to market and promote the project.
- Those groups working with those with a disability or mental health issue accounted for 15% of the groups attending.

Advice line

- 297 contacts were made with the service; almost double the original target of 150.
- There has been a gradual increase of contacts from month to month.
- Over the three years, level 1 advice (usually requiring a one-off response) has increased significantly whilst the other levels of advice have dropped in comparison.
- 24% of beneficiaries were from CVS/ infrastructure organisations.
- A good percentage of small and BME organisations used the service.

- 27% of the organisations were from London, 12% from the North West and 5% were national organisations.

Findings

How people heard about EVS

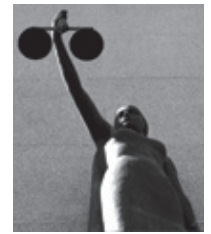
- Nearly a third of clients said they knew of the advice line from NAVCA and primarily by attending the training sessions.
- Almost a fifth heard about it by word of mouth. Many CVS/infrastructure organisations were cited as the source of information.

Why people use EVS

- The largest number of requests for advice in each year was in respect of funding cuts, reviews or changes.
- There was an increase from Year 1 on the number of requests regarding tendering and procurement issues.
- The third largest category for advice in Years 1 and 2 was about consultations and decision making; this was overtaken in Year 3 by issues relating to other local authority and government decisions, including planning and lease changes for community buildings.

The quality of the service provided

- Throughout the three years there has been evidence of a consistently high quality of service.
- The training is commended for its quality, content, structure and pacing. Comments are:
 - *“It was empowering and affirming”*
 - *“The best day’s training I’ve ever done”*



- The majority of trainees felt it met their expectation
- The advice line is commended for its speed, quality of response, support, and sensitivity. Comments are:
 - *“PLP were extremely sensitive and knowledgeable”*
 - *“Dedicated, clear and passionate – exactly what you need”*
 - *“Knowing the backup is there gives us confidence if we have to challenge”*

Achievements of outcomes

Outcome (i) – Increased awareness in the VCS of the benchmark legal principles that regulate the conduct of public bodies and how Compact agreements can be strengthened

- There has been an improvement in the achievement of this outcome across the life of the project.
- The term ‘public law’ now ‘trips off the tongue’ at NCVO and is becoming part of the language of the sector more widely.
- For those without knowledge of public law, the training and advice line clearly provided them with a sound basis of knowledge and a number of respondents could elaborate on their understanding.
- Some however, said they would need to go back to their training notes.
- The majority who already had a good level of awareness of the Compact said this had not been changed by the training, however for some their awareness was enhanced – *“It’s given me more tools on how the Compact could work”*.

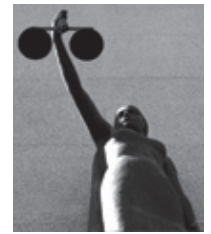
- Those who had little or no knowledge could describe ways in which the training raised their awareness.

Outcome (ii) – Increased ability of those in the VCS to apply the principles to their organisations, to recognise potential public law breaches and to seek further help from the project where necessary

- There are varying degrees of confidence in this ability and differences between training and advice line beneficiaries.
- Several training interviewees had identified a potential breach of public law, either in the course of the training or subsequently.
- Advice line respondents did not feel as confident possibly due to being faced with a real, rather than hypothetical, problem that they wanted advice on before acting.
- Advice line respondents had evidence of being able to apply the principles to their organisation, for example statutory organisations revoking their decision, holding investigations and re-writing their Compact.
- The Southall Black Sisters case has been a high profile example.

Outcome (iii) – More effective participation by the smaller groups within the sector in the decision-making process that affects them and their users

- It was difficult to measure this outcome in Years 1 and 2 as data was not captured.
- Subsequent analysis shows high percentages of small local VCS organisations using the service, including those serving BME and minority faith communities.
- This indicates that smaller groups are questioning the processes and decision making of the statutory sector.



- NAVCA encouraged the participation of smaller groups by encouraging local infrastructure organisations to host training sessions and promote EVS to their membership and producing a short guide to support the ‘trickling down’ process.
- It was estimated in Year 2 that the promotional information would reach about 32,500 groups that were members of the local infrastructure organisations who were members of NAVCA.
- Having PLP, NAVCA, and the training pack as a back-up gave people confidence.
- The confidence to make an actual challenge was influenced by:
 - Trustees’ concerns about time, financial costs and personal implications.
 - The volume of work it would create in addition to managing.
 - Entering into a ‘David and Goliath’ situation.
 - What was in the best interest of their service users.
 - Whether or not PLP were able to support them.

Outcome (iv) – Increased confidence and effectiveness of the VCS representing the interest of individual groups and their service users

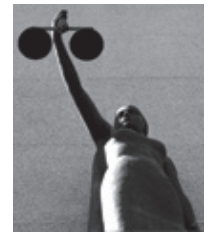
- Since Year 1 respondents have demonstrated their increased confidence.
- Many beneficiaries are from CVS/infrastructure organisations and their increased confidence will be of benefit to the groups they represent.
- The increase in demand of level 1 advice is an indication that the sector is more confident to question the statutory sector at an early stage.
- Confidence is expressed in the following ways:
 - *“they (the statutory sector) do not hold all the cards”*
 - *“I wouldn’t be pushed around”*
 - *“Now I’ve got clearer principles to hang any issues on – this has made me more confident”*
- The imbalance of power between the VCS and the statutory sector is an important issue and posed a risk when making a challenge.
- Several noted it was important to resolve matters through discussion and negotiation rather than recourse to the law.
- People do, however, use their knowledge in conversation to alert public bodies.

Outcome (v) – Maintenance of stable services by the sector to disadvantaged groups

- It has been difficult to find evidence of this outcome throughout the evaluation.
- This has been raised with the steering group at the end of Year 2.
- PLP’s measure of the amount of funding that is retained by the sector as a result of challenges using public law was £250,000 in Year 1.
- Figures have yet to be provided for Years 2 and 3.

The importance of EVS as a resource

- The specialist and free legal advice and support was seen as crucial by the overwhelming majority of service users.
- While most of those who had been on the training felt that it would still be needed beyond March 2009, some acknowledged the inevitability of time-limited funding streams.



- Some suggested possible developments to the existing services, for example more advocacy on behalf of organisations wishing to challenge a decision, assertiveness training, and training for trustees.
- The shortcomings of the sector in administrative efficiency and letter writing skills were mentioned by several members of the steering group. However, only a few beneficiaries referred to improvements that could be made to their own working practices.

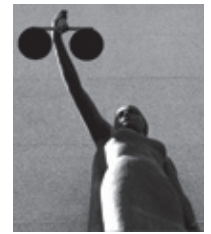
Making legal advice and information accessible

Service users had a number of suggestions for how legal advice in public law could be made accessible to the sector:

- Templates and a toolkit available online
- An online discussion network
- Having information on key networks (including LIOs)
- More prominence on the NAVCA website
- Using case studies to bring it alive
- Through Citizens Advice Bureaux
- A legal department within NAVCA able to provide advice to the sector
- An advocate in each region
- PLP attending local conferences and other events

The steering group process

- The steering group brought the experiences of 'real life', and knowledge of the sector to the development and delivery of the project.
- Its members represented a range of perspectives, although they had experienced difficulties in securing representation from smaller organisations.
- In hindsight it may have been helpful to have been more explicit about what each agency expected of the others, and what they each felt they could bring to the table.
- The role of the steering group was seen as that of a 'sounding board' – as the name suggests, steering rather than managing the project. This was viewed as appropriate and productive by all involved.



6. Appendices

Appendix a – stakeholder interview schedule

1. What has been your personal involvement over the course of the project?
2. Has your involvement remained broadly the same as you originally anticipated or has it changed over time? If it has changed, in what way has it changed?
3. How would you describe the roles and responsibilities of each agency represented on the steering group?
4. What do you, as your agency's representative, bring to the steering group?
5. Has this remained broadly the same over the lifetime of the project or has it changed over time? If it has changed, in what way has it changed?
6. What (if anything) has your agency invested in the project?
7. How have strategic decisions been made? Were there any difficulties with this process? How were these resolved?
8. How have operational decisions been made? Were there any difficulties with this process? How were these resolved?
9. How was the project promoted so as to ensure that it reached its target group of small (particularly BME) organisations? What more (if anything) could have been done?

10. To what extent has the project achieved its intended outcomes? If any have not been fully achieved, why do you think this was?

11. What do you see as the main successes of the project? Can you illustrate these?

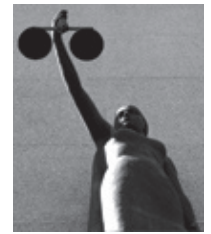
12. What are the main lessons that you think have been learned from the project?

13. What is the succession strategy for the project? How did this come about? In what way has it been informed by the experience of the last two and a half years?

Appendix b – interview schedules for the training and the advice line

Training

1. How did you hear about the training?
2. Why did you attend?
3. What was your awareness and experience of local Compact arrangements before you attended the training?
4. Has this changed in any way since you attended the training?
5. What was your awareness of public law before you attended the training?
6. Has this changed in any way since you attended the training?



7. Do you feel that you are more able to recognise a potential breach in public law as a result of attending the training?

8. How confident were you in your negotiations with public bodies before you attended the training?

9. Has this changed in any way since you attended the training?

10. How confident do you feel about challenging a public body now, if you felt that their activities constituted a breach in public law?

11. Do you feel that your relationship with the statutory sector has in any way changed as a result of you attending the training? If so, in what way?

12. Where would you go for legal advice – or signpost others – if you thought a public body was acting outside the law?

13. How could legal advice and information be made more accessible to you and those you work with?

14. Have you cascaded the learning to anyone you work with since attending the training? If so, please give details – to whom? How?

15. What – if anything – would you say you do differently now that you have attended the training?

16. What is the key lesson you learned from the training?

17. This project is funded only until the end of March 2009. Do you think that access to advice and training in public law for the VCS should continue to be available after that?

Advice line

1. How did you hear about the EVS project?

2. What were the circumstances that led you to use it?

3. How much contact did you have with EVS in relation to this issue? What was the advice, support and representation that you were given?

4. What was the process that you went through, with what outcome?

5. What was your knowledge and understanding of public law before you used EVS?

6. Did the support you got help you to understand the legal principles that regulate the conduct of public bodies?

7. Prior to your contact with EVS, what was your awareness and experience of local Compact arrangements?

8. Has this changed in any way since your contact with EVS?

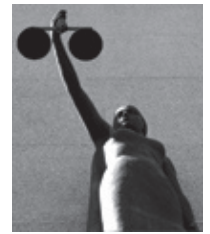
9. How would you identify whether a public body was acting outside the law?

10. Where would you go for legal advice if you thought a public body was acting outside the law?

11. Would you use EVS again? If not, why not?

12. How could legal advice and information be made more accessible to you?

13. How would you feel about making a legal challenge against a public body again in the future?



14. What – if anything – would make you more confident to do so?

15. Do you feel that your relationship with the statutory sector has in any way changed as a result of you using EVS? If so, in what way?

16. What – if anything – would you say you do differently now that you have had advice from EVS?

17. What is the key lesson you learned from the experience?



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