

DCLG Best value: new draft statutory Guidance

Summary

Refugee Council and Refugee Action welcome the move towards greater collaboration between authorities and Voluntary and Community Sector (VCS) organisations, and the move towards simplifying Guidance. However, we feel that important elements of 'Creating Strong, Safe and Prosperous Communities', particularly the Duty to Involve, are lost in the proposed changes. We are concerned that in the context of cuts to authorities' budgets this is highly likely to lead to less rather than more involvement of marginalised groups such as refugees and refugee community organisations (RCOs), and thus make it difficult for them to fully contribute to the Big Society.

We are concerned that the extent of the changes proposed is not adequately explained in the 'Best Value: new statutory guidelines' consultation document, and that the reduced consultation period has been insufficient for voluntary sector organisations to respond. We consider that the evidence given in the associated 'Equalities Impact Assessment Initial Screening' does not adequately support the conclusion that the overall impact of the policy on equalities groups is likely to be neutral, and call for a full screening to be undertaken.

Introduction

Who we are

1. [Refugee Council](http://www.refugeecouncil.org.uk)¹ and [Refugee Action](http://www.refugee-action.org.uk)² are two of the largest organisations in the UK working with asylum seekers and refugees.
2. Refugee Council is a human rights charity, independent of government, which works to ensure that refugees are given the protection they need, that they are treated with respect and understanding, and that they have the same rights, opportunities and responsibilities as other members of our society.
3. Refugee Action is an independent national charity working with refugees to build new lives in the UK by providing practical advice and assistance for newly arrived asylum seekers and long term commitment to their settlement through community development work.
4. The [Basis Project](http://www.thebasisproject.org.uk)³ is an England-wide partnership project led by Refugee Council and Refugee Action. Basis is a unique national project supporting RCOs in all the English regions. Our Organisational Development Officers give one-to-one support to over two hundred RCOs to help them manage, develop and sustain their work. In particular we support RCOs in four key areas: fundraising, financial management, project development and organisational governance.
5. We also work closely with funders and mainstream support providers, such as the Councils for Voluntary Service, to help increase their understanding of

¹ <http://www.refugeecouncil.org.uk>

² <http://www.refugee-action.org.uk>

³ <http://www.thebasisproject.org.uk> The Basis Project is funded for five years by the Big Lottery Fund.

RCOs and improve RCOs' access to funding opportunities and sources of mainstream support.

6. This submission is drawn from our experience, through the Basis Project, of supporting hundreds of RCOs throughout England.

Refugee Community Organisations (RCOs)

7. The UK has a proud history of providing protection to people seeking sanctuary from persecution overseas. There have been refugee communities in the UK for hundreds of years and refugees have made an immense contribution, culturally and financially, to society.
8. In turn refugee communities themselves have a long track record of establishing community organisations or RCOs. The Home Office describes RCOs as 'organisations run by and for refugees [...which] provide advice and support, often informally, and act as bridges to mainstream services and other local groups.'⁴ The work of RCOs is testament to the resilience and strength of their members, many of whom have used their own experiences of persecution and exile to develop services to support others.
9. The government's dispersal of asylum seekers out of London, introduced under the Immigration and Asylum Act 1999, marked a significant change in how refugee communities live and work together. Such changes have inevitably impacted on the development of RCOs. Historically concentrated in London and small number of other metropolitan centres, RCOs have now been established in all the regions of England and face the challenge of meeting a wide range of needs in areas where other support for refugee communities is underdeveloped.
10. In December 2006, primary research was completed to inform the development of the Basis Project. This established a database of 668 known and established RCOs operating throughout England.⁵ 63% of these organisations had an annual income of less than £50,000 per annum and most relied heavily on the work of volunteers. Our research also highlighted the diverse nature of RCOs and the wide range of critical, frontline services they provide to people across the country who are often excluded, marginalised and vulnerable.
11. This diversity of needs, and the importance of RCOs in meeting them, was reconfirmed by a July 2010 Home Office study on refugee integration⁶. It found that over half of people granted refugee status from Turkey (57%), DRC/Congo (64%), Ethiopia (77%), Somalia (55%), Sudan (60%), Zimbabwe (74%), the rest of Africa⁷ (52%) and Asia⁸ (60%) had made contact with an

⁴ Home Office, Integration Matters, 2005

⁵ Refugee Council and Refugee Action, Refugee Community Organisations in England – Realising Potential, July 2007
http://www.thebasisproject.org.uk/Resources/The%20Basis%20Project/Documents/PDF/BASIS_Report_RCOs_in_England_Realising_Potential.pdf

⁶ <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/horr37/horr37-report?view=Binary>

⁷ Defined in the Home Office study as Algeria, Angola, Burundi, Cameroon, Central African Republic, Chad, Cote D'Ivoire, Djibouti, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Malawi, Mauritius, Morocco, Niger, Nigeria, Rwanda, Seychelles, Sierra Leone, South Africa, Swaziland, Tanzania, Togo, Uganda and Zambia

⁸ Defined in the Home Office study as Bangladesh, Bhutan, Burma/Myanmar, China, India, Indonesia, Japan, Mongolia, Nepal, Philippines, Sri Lanka, Thailand and Vietnam

organisation set up for their national or ethnic community. According to the study, refugees reported approaching such organisations with a wide range of needs, including support to access information (27%), legal advice (26%), interpretation or translation (24%), work or housing (23%), financial help (21%) and emotional help (18%). The study further found that 20% of refugees were in contact with a national or ethnic community organisation at least once a week, underlining the extent to which RCOs provide essential services. They also play a role in bridging between community members and mainstream services for the wider UK population and act as an essential support to many individuals.

12. The impact of public spending cuts on RCOs was researched by Refugee Council in September 2010. Key findings were:
- 52% of RCOs surveyed reported providing services to five hundred or more clients per year.
 - 24% of RCO respondents have more than twenty active volunteers.
 - 30% of RCOs are funded by local government/local councils.
 - 39% of RCOs surveyed reported a decrease in their funding during the last financial year and 58% predicted a decrease in funding over the next twelve months.
 - 77% of RCOs surveyed are concerned that their capacity to deliver services will worsen during the next financial year.
 - Some RCOs are resorting to small contributions from clients to save most needed services.
 - RCOs are concerned that local government funding cuts will have a drastic impact on their communities - some of the most vulnerable in UK society. RCOs are concerned that with the current funding cuts, RCOs and other small voluntary organisations risk being viewed as a means to fill in gaps that are caused by funding cuts.⁹

Responses to the consultation questions

13. Response to question 1: is the guidance clear, specific and proportionate?

13.1 We welcome the Government's commitment (as stated in the Best Value consultation document) to deliver on its commitment to the Big Society and to encourage authorities and civil society to collaborate more. For the Big Society vision to be achieved our communities need to be big, inclusive and involve all the elements of our society, including refugees and migrants.

13.2 We do not however consider that this guidance will be sufficient to ensure that this happens, particularly in the context of cuts to the budgets of authorities such as Local Authorities which are likely to lead to reduced budgets for community engagement and involvement.

13.3 We welcome the move towards making guidance more straightforward as this will help to make it easier to understand, particularly for marginalised groups.

⁹<http://www.refugeecouncil.org.uk/Resources/Refugee%20Council/downloads/briefings/Briefing%20-%20impact%20of%20spending%20cuts%20on%20RCOs%2022%201010.pdf>

- 13.4 Elements of 'Creating Strong, Safe and Prosperous Communities' which we consider important in ensuring that Local Authorities involve excluded groups will however be lost in this proposal.
- 13.5 The guidance does not include any evidence of any risk assessment around the implications of scrapping 'Creating Strong, Safe and Prosperous Communities'. This is a large-scale change, and has the potential to have a very significant impact on communities and the quality of life in the UK. A risk and benefits assessment is essential.
- 13.6 We are particularly concerned at the loss of the 'duty to involve'. We feel that when properly applied these mechanisms are an essential method of increasing citizen participation from the full spectrum of UK society. In the context of current cuts to authority budgets, repeal of this duty is highly likely to lead to less, rather than more, involvement, particularly by marginalised groups such as RCOs.
- 13.7 We are also concerned at the loss of the requirement to prepare a Sustainable Community Strategy. We consider that the purpose of a Sustainable Community Strategy to 'set the overall strategic direction and long term vision for the economic, social and environmental well-being of a local area...' to be important for all UK residents, including refugees.
- 13.8 The scope of proposed change is large, and the rationale and drivers for this are not adequately explained. These are essential when consulting, in order to ensure that the consultees are able to fully contribute to the debate.
- 13.9 LSPs and LAAs have formed the cornerstone of how local government works with local communities for a number of years. Whilst there is in many cases room for improvement in terms of genuinely engaging all parts of the community, that there is some national framework and homogeneity means that best practice can be shared and built upon. This provides better efficiency and effectiveness, thereby being more cost-effective.
- 13.10 The consultation period of nine weeks rather than twelve has not been adequate, particularly given the extent of the proposed change as outlined above.
- 13.11 We note that equalities groups are not specifically mentioned at any point in the new guidance. Experience from RCOs we work with and research¹⁰ tells us that it is very difficult for them, and other marginalised groups, to input in to decision making processes and they face specific barriers to involvement. It is important to acknowledge the imbalances of power and opportunity that currently exist in guidance such as this.
14. Response to question 2: Is there anything else that we should cover in order to provide more clarity to councils, contractors and the voluntary and community sector?

On point 1 of the new guidance

¹⁰ An example of recent research is 'Refugees and asylum seekers- a review from an equality and human rights perspective', the Equality and Human Rights Commission March 2010

14.1 The guidance should include a definition of 'Social Value', which should specifically incorporate equalities groups and marginalised groups such as refugees.

On point 2 of the new guidance

14.2 The requirement to consult with a wide range of local persons before deciding how to fulfil their Best Value duty should be further defined to ensure that consultation is relevant and real.

14.3 This guidance should link to current guidance and good practice information on consultation¹¹ so local persons are able to identify if they have been adequately consulted with, and take action if not.

14.4 There needs to be specific guidance to consult with marginalised groups who face barriers to involvement in consultation processes, including refugees and asylum seekers. A recent report from the Equality and Diversity Forum¹² found that refugee and migrant communities are frequently left out of broader work to promote equality. It is also important to acknowledge marginalised groups within groups such as women refugees and refugees with disabilities.

14.5 It is also important that authorities should go beyond consultation in their engagement with voluntary sector organisations and representatives of local persons, and involve them. Point 2.19 of 'Creating Strong, Safe and Prosperous Communities' gave clear information about how Authorities should involve representatives of local persons and there needs to be a replacement for this.

14.6 Point 2.23 of 'Creating Strong, Safe and Prosperous Communities' outlined the need to 'engage a diverse range of groups within the community and to take action to ensure that all groups within the community are engaged' and explicitly addressed the need to 'involve marginalised or vulnerable people', and to be aware that 'equality requirements will apply to the duty to involve'. We are concerned that the loss of these explicit requirements could lead to those with the 'loudest voice' being heard most and the voices of more marginalised groups being lost. This needs to be actively addressed in the new guidance.

14.7 Point 2.25 of 'Creating Strong, Safe and Prosperous Communities' addressed accessibility, that 'authorities should ensure that representatives of local persons are informed/consulted/involved in a way that considers their needs.' This is extremely important in working with marginalised groups such as refugee communities, and particularly with marginalised groups within groups such as refugee women or refugees with disabilities, so needs to be actively addressed in the new guidance.

14.8 We support the recommendations from Urban Forum's research report 'Involving Communities: A Legal Duty' relating to expectations of Authorities around community involvement¹³.

¹¹ For example <http://www.bis.gov.uk/files/file47158.pdf>

¹² 'Who's still missing? Refugees, migrants and the equality agenda' May 2011
<http://www.theworkcontinues.org/document.asp?id=1646&pageno=>

¹³ 'Involving Communities, a legal duty?' Urban Forum 2010
http://www.urbanforum.org.uk/files/involving_communities- a_legal_duty.pdf . Specific recommendations that we support are: 1. If the Duty to Involve is repealed, then clear expectations need to be given to public bodies must do in terms of informing, consulting and involving the public, and how these will be enforced. 2. Any new measures

14.9 To give a more objective, informed consultation we suggest that in many cases local third sector organisations could be commissioned to undertake consultation or help facilitate community involvement in consultation.

14.10 There needs to be a process for monitoring whether adequate consultation has been carried out, and penalties should apply to authorities who do not consult adequately.

On Point 3 of the new guidance

14.11 We welcome the notion that Authorities should avoid passing on disproportionate cuts to community and voluntary sector, however there is a particular need to define what 'disproportionate' means in the context of the large cuts in the budgets of authorities.

14.12 It is important to bear in mind that VCS organisations, including small grassroots organisations exist to serve their members, who are likely to suffer as a result of cuts to Local Authority services. As such they will face a 'double whammy' when Local Authority services are cut, and the VCS organisations they go to for help are facing cuts themselves.

14.13 It is important that VCS organisations, including those representing marginalised groups, are included in consultation processes beyond those relating to cuts to funding for services that they provide where these services impact on their members.

14.14 We also welcome the introduction of a notice period to organisations and service users where reductions or ending of funding will materially threaten the viability of the organisation or service. However, three months is not an adequate period for an organisation to seek replacement funding, particularly in the current climate and we are concerned that this will only enable organisations / services to wind down. For example we are aware of organisations that, given an impending cut needed to renegotiate rent for premises, restructure staffing, carry out a needs assessment survey, collate this, develop project plans and begin to approach funders. This can take up to 12 months and the consequences of closing in a hurry are devastating on individual clients who are often in extremely vulnerable situations. Given the nature of current funding cycles, a much longer notice period and an honouring of existing contracts to allow for succession planning are very important. Some local authorities (for example Birmingham City Council's Adult Services Department) have recognised this situation by only working in long term (3 year) arrangements with VCS partners and ensuring that existing grants are prioritise and honoured.

introduced need to concentrate on behaviour change by public bodies so that informing, consulting and involving the public in making decisions and shaping areas is the norm across all public functions, and not just specific teams. At the same time they need to avoid the pitfall of encouraging a proliferation of consultation exercises that are a matter of form, rather than a genuine exercise in involving local people. 3. Effective community engagement takes resources and commitment. There are many examples of excellent practice in this area – giving rise to examples of the Big Society in practice. This practice will be essential to the successful implementation of new local initiatives to devolve power to the community level. Care needs to be taken to ensure that savings are made by cutting ineffective (and potentially counterproductive) public communication, consultation and involvement, but that effective work is still resourced.

14.15 We welcome the requirement for an authority to actively engage the organisation as early as possible, and to put forward options on how to reshape the service or project. This is a major opportunity to open local authority balance books to greater public scrutiny. When putting forward alternative proposals, the public should be able to see the full funding picture (including the local authority budget).

15. Response to question 3: are there any other issues you wish to raise?

15.1 The equalities impact initial screening makes the conclusion that the package of proposals is likely to have a neutral impact on equalities groups (and thus there is no need for a full assessment). We consider that this is not the correct conclusion given the evidence presented. As such we consider it necessary that a full Equality Impact Assessment be conducted.

15.2 The equalities impact initial screening specifically mentions that 'authorities will still be able to carry on having a [sustainable community] strategy (it would be very surprising if any council didn't) – it just means they would not have a duty to do so' but then mentions several councils which have called for the duty to be scrapped. This calls in to question why they would push for the duty to be scrapped if councils are likely to do it anyway.