

**Brexit
Civil Society
Alliance.**

SEIZING THE OPPORTUNITY

**THE CASE FOR
EMBRACING CIVIL
SOCIETY'S ROLE IN
DEMOCRACY**

**EXECUTIVE
SUMMARY**

Author

Kathryn Sturgeon

Editors

Malene Bratlie
Sarah Clarke

January 2021

ABOUT THE BREXIT CIVIL SOCIETY ALLIANCE

The Brexit Civil Society Alliance is made up of over 80 organisations from across the UK and includes voices from health, human rights, the environment, consumer and workers' rights, equality, food, farming and trade.

The Brexit Civil Society Alliance work has been guided by a broad set of principles which are:

- ▣ **Open and accountable lawmaking:** Legislating for Brexit must respect the democratic processes, including the devolved nature of the UK constitution. There must be clear limits and safeguards on executive power. There must be robust parliamentary scrutiny at all levels with appropriate levels of transparency and debate.
- ▣ **A high standards UK, with rights, standards and funding to underpin them maintained:** Leaving the EU should not mean weaker standards, fewer rights or loss of funding. A UK framework for common standards must be mutually agreed between the four administrations to enable cross-border working and internal common market.
- ▣ **Leaving the EU should not create a governance gap:** EU institutions have a role in monitoring, oversight and ensuring compliance with the law as well as setting regulations. Where governance arrangements are changed as a result of leaving the EU, there must be clear powers and procedures for ensuring the law is properly implemented and enforced on an ongoing basis.

The Alliance's work is made possible by the generous support of the Legal Education Foundation and the Joseph Rowntree Charitable Trust. We are hosted by Unlock Democracy.

ACKNOWLEDGEMENTS

We would like to thank everyone who contributed their experiences, views and expertise, including Jane Thomas, Liz Shannon, Tim Hughes, Anna Nicholl, Allison Roche, Mihai Cali Bica, Nathalie Sherring, Mhairi Snowden, Charles Whitmore, Liam Evans, Kevin Hanratty, Geoff Nutall, Hayley Morgan and Kristiana Wrixon.

Executive Summary

This report sets out a vision for:

A vibrant civil society in which civil society organisations can engage in democratic processes inside and outside of the formal policy sphere.

Why this report is needed now

Civil society organisations (CSOs) are embedded in our society and are vital to the functioning of democratic policymaking. They have a long history of being at the forefront in the response to societal need and social change, from providing services for the poor before the advent of the welfare state to recent campaigns for marriage equality.

Now more than ever, we need CSOs to bridge the gap between citizens and the state. The UK's future is in a moment of flux: having left the European Union and with the need to respond to the COVID-19 pandemic at a local and national level. In dealing with these, and other challenges, it is vital that views, interests, and evidence from the population as a whole are heard by governments at local, devolved and national levels. Meanwhile, this need to bridge the gap between citizens and the state in policymaking is taking place in the wider context of increasing political inequality, alienation and loss of faith in the democratic system, and falling trust in government.

As the UK grapples with its future, it is clear that those in power need to review the ways in which decisions are made, including taking steps to increase engagement between politicians and the people they represent. CSOs are uniquely positioned to play a role in such reforms.

Civil Society Organisations and Democracy

CSOs play a vital role in a functioning democracy. They provide a means for citizen engagement and participation in politics, better public dialogue by providing evidence of the outcome of policies or problems which need addressing, act as a vehicle for advocacy, and hold government to account.

Furthermore, CSOs, often being closest to issues on the ground, can help bridge the gap between citizens and decision makers by feeding into policy processes and supporting legislators so that policy meets the needs of communities and decisions represent a wider range of views. By doing so, CSOs can represent the views and experiences of the communities they serve and provide evidence based on the expertise and experience they hold.

Finally, the ability for CSOs to do activities, such as advocacy, in the public sphere, and the strength and vibrancy of that space itself, are themselves indicators of the health of a country's democracy.

Barriers Faced by Civil Society Organisations

The ability of CSOs to engage directly with decision makers, to do advocacy and share evidence, is inconsistent and often limited. At Westminster, there are multiple different routes for engagement, for example responding to consultations or submitting evidence to select committees; however this is often hampered through poor engagement techniques by policy makers and a lack of collaborative culture within government.

There has been better engagement of CSOs by the devolved administrations in Northern Ireland, Scotland, and Wales. The Government of Wales Act 2006, for example, required that Welsh Ministers establish a scheme for the promotion of the interests of the voluntary sector, including methods for consultation. This has resulted in the formation of multiple avenues of engagement such as the Third Sector Partnership Council, a formal mechanism for engagement between elected CSOs in Wales and the Welsh Government. A similar body, the Joint Government Voluntary and Community Sector Forum exists in Northern Ireland, whilst in Scotland early engagement with CSOs and communities is established practice. Nonetheless, problems continue to be reported by CSOs, both where practice falls short of promised engagement, and in reaching Westminster where there is different political culture.

The functioning of local governments is devolved and, as a result, mechanisms for engagement with CSOs vary across the four parts of the United Kingdom. Whilst in Scotland, for example, the instalment of Third Sector Interfaces has required local government to work with communities and community organisations, in England there is no coherent guidance or requirement for meaningful engagement. The ability for local authorities to carry out in-depth engagement processes is additionally limited by the cuts to funding after a decade of austerity, which have also impacted on CSOs.

CSOs exist in an increasingly precarious landscape. Having already gone through a squeeze on funding as a result of austerity and an increased demand for services, organisations are now faced with uncertainty over EU funding and a fall in fundraising during the COVID-19 pandemic. The manifesto of the current Conservative Government pledged a review of human rights legislation and judicial review: both of which are vital tools for CSOs to be able to hold government to account, undertake direct action, and protect minority communities. Meanwhile, the Lobbying Act 2014 placed an additional administrative burden on organisations doing advocacy in the year prior to a general election. This has been found to place a “chilling effect” on the sector as charities are dissuaded from speaking out about observed problems and possible solutions.

Summary of Our Findings and Recommendations

This report explores some of the initiatives which have aimed at bringing CSOs into the democratic sphere. From this and three focus group sessions, we have identified areas of best practice and set out the recommendations to achieve these. It sets out the levels and areas of government the recommendations are suitable for; however, we note that in some circumstances these institutions and practices may well already be in place in some locations to some extent. Furthermore, although key departments are identified to implement and monitor reforms, it is important that all departments are engaged in the changes in order for them to be effective.

Institutionalised engagement is important, but it must be dynamic to be meaningful.

Formal relationships and mechanisms for engagement are important as they provide a clear route for CSOs to communicate with the state, regardless of size or location. Where this is most effective, the relationship goes beyond a written agreement and includes active ongoing discussion.

- ▣ National and regional government are to ensure a document is in place setting out the relationship between civil society and government.
- ▣ The establishment of a forum - or review of existing structures - in each place of regional and national government to act as the key mechanism for engagement for issues relating to the third sector. The forum must set standards to ensure representation and effectiveness.

- ▶ The establishment of a role – or review of any already in place – in each place of regional or national government responsible for overseeing engagement with CSOs across government.
- ▶ The Minister for Housing, Communities and Local Government with the Local Government Association should produce a resource setting out the different types of engagement methods possible, both for ad hoc consultation and permanent ways to engage with CSOs. This should then be circulated to local authorities.
- ▶ The person responsible for community outreach and relationships with CSOs within local authorities, and/or council leaders, to be made responsible for reviewing different forms of engagement and justifying the method used when carrying out engagement.

A culture of collaboration and openness within government is vital for effective relationships.

Formal relationships are only truly effective in entrenching a meaningful role for CSOs in our democratic processes when there is a genuine desire by those in the relationship to work together.

- ▶ A training programme to be developed and provided to all staff tasked with engagement with CSOs. It is to cover: the role of CSOs as experts and campaigners; the requirement for engagement; the benefits of engagement; different forms of engagement (ranging from user research to co-production); best practice for engagement.
- ▶ Guidance and template training be drawn up by the Department for Housing Communities and Local Government with the Local Government Association for use by local authorities.
- ▶ Government organisations to review existing models of best practice and where necessary amend to embody the values of openness, collaboration, and transparency. Mechanisms must be implemented for showcasing and sharing best practice.
- ▶ Review of staff KPIs or objectives to include targets relating to openness, collaboration and transparency.

Engagement must be done to a consistently high standard, embodying transparency, openness and accountability.

In practice engagement between CSOs and government at all levels can be improved. For CSOs to advocate for the communities they serve, share their expert evidence, and hold government to account for their actions, there must be sufficient transparency and opportunity to engage with policy and decision-making processes.

- ▶ The Bond checklist¹ for effective engagement – or an equivalent meeting minimum standards – be used as a basis for engagement at all levels of government and be circulated as the basis for any engagement with CSOs.
- ▶ The relevant individual in each place of government responsible for relationships with CSOs to review current standards for engagement and augment or replace with the checklist to ensure this represents a minimum standard of best practice.
- ▶ The checklist forms part of the training for stakeholder engagement officers or other relevant individuals.
- ▶ Regional authorities and the Local Government Association to circulate the checklist to local authorities.
- ▶ Where the checklist, or an equivalent, is adopted, this is made available to CSOs as a guide to what they can expect.
- ▶ The methods used by the What Works Network are reviewed to ensure there is an effective mechanism for input from CSOs: through early engagement, collaboration, and an openness to inclusion.
- ▶ A transition to the use of Collaborative Action Research by the What Works Network, learning from the experience of What Works Scotland.
- ▶ Guidance to be produced and circulated by the Cabinet Office and the Local Government Association respectively, to government departments, regional governments, and local authorities about the range of ways to gather evidence.

¹See: Abrahamson, Z. et al. (2019) Ensuring civil society is heard: principles and practice to improve government engagement with civil society. Bond. Available at: https://www.bond.org.uk/sites/default/files/resource-documents/bond_ensuring_civil_societys_voice_is_heard-online_april_2019_update.pdf.

Joined-up working through networks should be encouraged and utilised as a mechanism for hearing from the sector.

CSOs often form networks to work together and pool resources and knowledge. By recognising and liaising directly with these, governments can maximise their efficiency in regular contact with the sector.

- ▶ Relevant CSO networks are identified and contacted about their willingness to act as a conduit between their members and government.
- ▶ Details of the relationship, membership, and contact details are circulated to relevant government departments and teams.
- ▶ Quarterly meetings of the network are held to discuss issues of shared interest and it is consulted early in relation to any policy falling within their remit.

There must be an end to the encroachments on civic space.

A vibrant civic space is necessary for democracy to thrive, including the ability for CSOs to do advocacy, take part in direct action, and be equipped to engage in the formal political sphere. Recent years have seen limitations placed on CSOs' ability to undertake advocacy through the Lobbying Act, an increase in rhetoric against CSOs having a role to play in political discourse, and attacks by ministers on third sector actors who take action against their policies. Further threats to civic space are posed by the review of the Human Rights Act 1998 and the judicial review process for challenging government decisions. For CSOs to play a role in democracy through advocacy, protest, evidence provision, engagement with policy, and holding the government to account, these encroachments must be stopped and reversed.

- ▶ Repeal of the parts of the Lobbying Act 2014 relating to activities by charities.
- ▶ Strengthen and promote Charity Commission guidance (CC9) that charities must not undertake campaigning as their primary activity and must maintain neutrality between political parties.
- ▶ A public reiteration of the right of CSOs to undertake political campaigning in accordance with existing Charity Commission regulations.
- ▶ The maintenance of the enforceability of all civil liberties currently enshrined in the Human Rights Act 1998.
- ▶ The maintenance of rights to protest.
- ▶ The maintenance of the right to challenge government decisions through judicial review.
- ▶ Consideration and the publication of guidance by the Committee on Standards in Public Life as to whether the verbal attacks by ministers on CSOs amount to a breach of the Seven Principles of Public Life.

**For further information
please contact:**
Unlock Democracy
info@unlockdemocracy.org.uk
www.unlockdemocracy.org.uk

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