

Dancing to our own tune

The Compact:
strengthening voluntary
sector independence

an analysis of national voluntary
and community organisations' experience
of the Compact and independence

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Foreword

This research on independence and the Compact is important and extremely welcome. The report captures very well the tremendous importance that people place on independence. It also describes some of the tensions experienced by these organisations as they work with government and try to maintain their independence.

Some of the people involved in the research reported here directly question the relevance and power of the Compact to help organisations preserve their independence. And yet, the substance of the threats to independence that people say they are experiencing - criticising a funder leading to a threat to cut funding, funding arrangements directing what organisations do and the way they do it, burdensome monitoring, mistrust, inconsistent funding practices - correspond exactly to provisions and codes set out in the Compact. Compact principles on funding arrangements, procurement, consultation, policy appraisal and so on, are all founded first on the importance of the independence of the voluntary and community sector from government.

The Baring Foundation has a long standing interest in supporting the independence of the sector. We have always felt that the Compact has a prominent role in helping to achieve this, and this report provides further support for this belief.

Independence is not an airy principle. It is real and has a tangible effect on the ability of organisations to be effective. It is something that can be functionally built into the structure and operations of an organisation. Most of all, organisations need to take responsibility for their own independence and to do this in strategic and planned ways, rather than in response to a sudden threat. The Compact provides a tremendously useful source of strength in support of this. It is up to us to use it as such.

Matthew Smerdon, *Baring Foundation*

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We would also like to extend our thanks to trustee boards that have signed Compact Voice's independence pledge which commits them to giving voice to the needs of those they represent, to campaign fearlessly and responsibly for their causes, and to use the Compact to resist external interference.

Terminology

It is important to recognise that the voluntary and community sector is diverse and not a homogenous sector. Whilst this report talks about 'the sector' it attempts to reflect the range of sector perspectives and eschews a prescriptive 'one-size fits all' approach.

Executive summary

This report is based on the findings of five focus groups involving 47 voluntary and community sector employees from national organisations in England. The findings of the research were discussed at a findings workshop and views expressed at that event also inform this report.

The aim of the study was three-fold. Firstly, to find out what independence means to organisations and those they work with. Secondly, to gain an understanding of organisations' current experience of using the Compact to promote and safeguard their independence. And thirdly, to identify the barriers to the Compact's effective protection of organisational independence and ways in which these barriers can be overcome.

Key findings:

- Independence is viewed as crucial to both the voluntary sector and to wider society. However, the need for absolute independence is seen as neither possible nor desirable and the Compact is regarded as an important means to engender interdependent relationships where the sector and state work successfully together.
- Whilst there is a strong sense of independence within the sector, independence is experienced differentially depending on an organisation's size, internal structures, funding arrangements and contractual conditions.
- Conflicts around independence centre on issues of funding and commissioning of services, real and perceived fears among sector organisations of criticising government funders, and interference in organisations' freedom to determine and manage their affairs.
- The Compact offers an important framework through which sector organisations can strengthen their independence.
- Whilst the principles of the Compact are unanimously supported in theory, views as to its efficacy in practice as a tool for defending independence vary greatly.
- The Compact needs to be sufficiently embedded in practice. Lack of awareness of the Compact on both sides of the relationship, and wilful disregard for its requirements, are seen as key barriers to effective Compact implementation.

- Failure of statutory bodies to sufficiently understand and trust the sector are seen as key threats to the sector's independence and the Compact was seen as having an important role in overcoming these barriers.
- Giving the Commission for the Compact some form of statutory powers together with supporting existing mechanisms would strengthen the Compact. Any revisions to the Compact should make explicit links to independence
- Voluntary and community organisations must take responsibility for their own independence and a number of key recommendations for improving Compact usage among the sector and their partners were made.

Introduction

“When trying to resolve independence issues, the Compact is difficult to grasp hold of. It’s like a bar of soap in the bath.”

As the national Compact on Relations between Government and the Voluntary and Community Sector in England enters its tenth year, this report attempts to explore the extent to which the Compact is helping the sector to safeguard and enhance its independence. Whilst there have undoubtedly been many positive changes to the relationship between government and the sector over the past decade, problems around independence persist and take new forms as the policy landscape changes.

The first commitment of the Compact is to “recognise and support the independence of the sector, including its right within the law, to campaign, to comment on Government policy, and to challenge that policy, irrespective of any funding relationship that might exist, and to determine and manage its own affairs” (section 9.1).

The Compact recognises that, in the delivery of public services, the government and the sector have “distinct but complementary roles” (section 8.3) as well as “different forms of accountability” and “a different range of stakeholders” (section 8.5). This recognition of differences in roles, methods and objectives between the sector and government hints at some of the areas where tensions around independence can arise. The government’s legitimate need to account for the use of public funds can conflict with the sector’s desire for autonomy. Sector organisations’ legitimate need to advocate on behalf of their beneficiaries, even where that involves criticising public bodies, can strain partnership relationships. The Compact is intended to manage these tensions and to avoid these strains becoming obstacles to collaborative working. This study attempts to assess how successfully the Compact is achieving this and explore ways in which it can be better used to strengthen sector independence.

An organisation’s independence is bound up with, and defined by, the need to fulfil their commitment to their members. The freedom to choose its mission and make decisions in the interests of their members is regarded as intrinsic to independence. There is, however, concern that the move from grant aid to performance-based contracts which allow government to specify objectives and processes, is affecting the nature of sector organisations’ relationship with statutory funders and impacting on their essential freedoms. External objective-setting can shift organisations from their core mission and contractual accountability mechanisms such as performance indicators and monitoring can fetter organisations’ independence. Conflicts around funding may compromise a sector organisation’s independence and have a detrimental effect on the confidence and trust built through other aspects of partnership working. Whilst there is a need for the Compact to take a prominent role in helping manage these tensions, the above quote from one of the focus group participants suggests that how this can be done in practice is something of a slippery subject.

Purpose

The aim of the study was: to find out what independence means to organisations and those they work with; to gain an understanding of organisations' current experience of using the Compact to promote and safeguard their independence; and to identify the barriers to the Compact's effective protection of organisational independence and ways in which these barriers can be overcome.

The focus groups were conducted with "national organisations" i.e. organisations that operate at a national level. This did not preclude organisations that work at a local level *as well as* at national level but the focus of this study was those organisations that have a national perspective. Despite the focus of the study being on the experience of national organisations, much of the discussion centred on problems experienced at local level.

The findings of this research provide an indication of the range of the sector's experience and opinion and are intended to increase understanding of how national organisations can use the Compact in safeguarding their independence. Together with a parallel study¹ exploring government perspectives of sector independence, guidance and training materials will be produced. It is hoped that these two complementary pieces of research and future guidance will help to build greater trust and understanding between the sector and government.

¹ The State of Independence: Research into independence and the Compact. Rocket Science (2008). Commissioned by the Commission for the Compact.

Section 1. Independence and the sector

1.1 Defining independence

As an icebreaking exercise each focus group participant was asked to write down three words or phrases that sum up what independence means to their organisation. The 150 responses fell into the following general definitions:

- The ability to make decisions and set agendas without interference, restriction or manipulation.
- The right to campaign and criticize government funders without fear of repercussions.
- The ability to find sustainable resourcing without strings attached.
- Working in partnership without being co-opted or subsumed.

These definitions are interesting in that each contains both a positive description (i.e. freedom *to* do certain things) and its negative counterpart (i.e. freedom *from* external interference). This duality of definition gives a stark illustration of the tensions intrinsic to issues of independence and the potential importance of the Compact as a means of managing and diffusing those tensions.

In order to ensure a common understanding of what independence means both within and between the five separate focus groups the following definition was offered and agreed to by all focus groups participants.

Independence is the way in which voluntary organisations manage their relationships and can be defined as the freedom of voluntary organisations to define their own mission and to pursue that mission without fear of interference.

This catch-all definition acted as a starting point from which participants elaborated on what independence meant to their organisations. It was clear that independence is not confined to practical realities such as where an organisation gets its funding, but can also be viewed as a state of mind.

“Psychological independence is the ability to stand up to anyone, whether they fund you or not, whether they have more power than you or not.”

One theme that emerged was the fact independence that is not about being separate. Indeed, participants felt that absolute independence is neither possible nor desirable.

“I’m not sure there’s ever such a thing as a truly independent body of any sort...However independent you think you are, if you really dig down, there is some dependence there somewhere.”

Indeed, any organisation engaged in the delivery of service contracts is never going to be completely independent. The actions of one side will directly or indirectly affect the other, since both often share the same objectives and operate serving the same clients.

“If you take government money as a necessary part of achieving your mission, there will be a small trade off...but 100% independence is not necessarily that useful.”

The term interdependence came up on a number of occasions as means of describing the complementary roles of each sector.

“We don’t want to be completely independent because we couldn’t really work in a vacuum without our partners. The real issue is around equality and that’s where Compact is central. If you’re going to be working with someone and there’s going to be interdependence, there has to be some kind of equality.”

1.2 Why independence matters

When asked to score the importance of independence on a scale of 1 to 10 the score averaged 9.3. Participants described independence as being not merely an abstract theoretical concept but as something that has concrete implications for organisations and the constituencies they serve.

“Independence is so precious. It underpins everything that we do.”

Independence was not regarded as important for sector organisations for their own sake but for society in general.

“If we want a vibrant civil society, we have to allow communities to target issues that are important to them and be free to pursue those issues and those communities’ needs.”

The right to develop organisations and receive services from organisations, particularly at a local and community-based level, which are free from statutory control, was seen as a fundamental part of a free and democratic society.

“Without that independence you might just as well be part of the rest of the statutory agents out there.”

The importance of the sector as an arena where people choose to engage with and contribute to society was felt to be crucial.

“It’s not just about service delivery. How many people do you know who want to volunteer to work for a local authority? If we lose our

independence, we also lose the thing that got people involved in the first place.”

Participants stressed the importance of the sector in providing a voice for those who fall between the cracks and might not feel comfortable approaching large bureaucratic, governmental organisations. The sector was viewed as vital for ensuring that members of some vulnerable or marginalised groups access services. This was expressed by participants working with excluded groups on issues such as mental health, drugs and asylum.

“Service users choose to use third sector organisations over statutory services because we are independent. Socially excluded groups wouldn't access our services if they didn't think we were independent.”

Participants also highlighted the fact that sector organisations are uniquely placed to understand and respond to the needs of those they serve and to respond to those needs quickly through innovative methods.

1.3 How independent does the sector feel?

The study revealed a wide range of levels of actual and perceived independence among participants. It suggests that independence is both differentially experienced and differentially realisable depending on an organisation's size, internal structures, funding arrangements and contractual conditions as well as the area and region in which they work.

“It varies between local authorities as to how independent you are actually allowed to be.”

Virtually all participants had experienced some form of threat to their organisation's independence. Despite these threats, over 80 percent of participants felt that their organisations were 'very' or 'largely' independent. Half of the participants felt that the level of their organisation's independence had not significantly changed over the past three years. 31 percent of participants felt that their independence had improved and 19 percent felt that it had worsened over that time period.

It emerged that some organisations have a variegated sense of their own independence, feeling independent in some respects and less so in others.

“On the one hand we could be seen as an organisation lacking independence because we have quite heavy reliance on central government funding...but as an employee who is funded by that funding, I certainly feel I have a lot of independence to go out and do the job.”

An organisation may feel able to express views freely on a national level whilst at the same time its freedom to act in a certain way locally may be more fettered.

“There is a difference between a verbal freedom to say “this is what we’re thinking” as a big organisation and locally when we’re doing contracts with local authorities.”

Independence issues exist not only in the relationship between voluntary organisations and state bodies, but can arise in situations where smaller organisations are sub-contracted to provide services on behalf of larger voluntary organisations.

A useful method of assessing how independent the sector feels is to compare the experience of the focus group participants against the definitions of independence they themselves offered.

1.3(a) The right to campaign and criticise government funders without fear of repercussions

Campaigning activities intended to assert clients’ or members’ needs may involve challenging funders (or potential funders) and participants expressed a genuine concern that criticising funders resulted in a shift in the way they are perceived by the public sector.

“The rights of organisations to campaign are respected in principle but when you dig a little deeper, some funders may have reservations about organisations campaigning.”

The extent to which an organisation should put future funding in jeopardy in order to challenge a public body was expressed by many participants as a key dilemma.

“You struggle between wanting to tell the world about what’s going wrong knowing that if you do that, the shutters will come up, and that has the potential to destroy the working relationship that you’ve been trying so hard to build up.”

The extent to which funders’ decisions are affected by sector organisations’ campaigning activities is difficult to quantify. However a number of participants’ experiences suggest that sector organisations’ fears are justified.

“We included some criticism of our local council in our newsletter and received a phone call from one of the local councillors stating that if we distribute the newsletter our funding next year will be cut.”

“The authority says ‘if you continue to challenge on this policy and this approach, there’ll be a threat to your funding’. Sometimes that’s a bit of a hollow threat but it’s still there and it still hangs over many of our members.”

Difficulties can also arise when individuals sit on partnership bodies as voluntary sector representatives. Even though they are representing the

sector rather than their own individual organisation, there is a fear of being overly critical. This was referred to by participants as 'two hat syndrome'.

"It puts you in a different position in terms of how your organisation is perceived, no matter what anyone says. If you are challenging something, it can potentially have repercussions on your organisation."

Many participants admitted that they felt an unwillingness to use the Compact to hold statutory partners to account.

"It would be counterproductive to bring up the Compact. It would just work against us, being so vulnerable anyway...we'd just be seen as being difficult and get bypassed."

Some participants felt that it was incumbent on organisations to challenge no matter what the possible consequences.

"If you see things that need to be changed, then there is a responsibility for you to do something. You can't fulfil your mission properly unless you can challenge anybody, even if it's an unpopular or politically unwise decision."

However, others argued that a balance needs to be struck between articulating policies or campaigns which are critical of government initiatives and preserving an organisation's relationship with government.

"It's a very fine line between being independent and winning contracts, which we know we need to do but not at any cost."

There was a recognition that an organisation's confidence to challenge may depend on its size and strength and this will differ for infrastructure organisations and those they represent.

"Our strength is in stark contrast to the position of a lot of our members who are often very small and quite fragile. A number of them have found it quite difficult to be critical at all or raise their voice above and beyond promoting the sort of work that they want to do."

The freedom an organisation has to campaign and criticise funders can therefore impact on their ability to secure government funding.

1.3(b) The ability to find sustainable resourcing without strings attached

Those participants who felt their organisations were the most independent were those that were not bound by government funding conditions.

"We're free thinking. We're not trying to jump to any particular statutory funder's tune."

Indeed one participant who described their organisation as 'independent to a fault' said that this position was achieved by maintaining financial independence, supporting itself almost entirely through selling publications and training.

"It's a decision that we've made and it has some downsides, but it also allows us for the most part to say whatever we think."

Being in a position where there was no reliance on government funding was very unusual and most participants described their experience of having to balance the requirements that came with state funding with retaining their independence. Having multiple funding streams was referred to as a means of reducing dependency on a single funder and therefore increasing independence and confidence.

"All our eggs are not in one basket, so we can actually get fairly hard with local authorities knowing that if they take our funding away, we know we can still carry on."

Having a single source of funding does not necessarily compromise independence but does leave an organisation potentially vulnerable.

"We're currently overly dependent on a single source of funding and that leaves us vulnerable."

"It is true that we are at the whim of a single funder, but the funder is also at the whim of us because we're the only people that can deliver those services."

Shifting policy and funding agendas can seriously affect funding and leave organisations with a choice of shifting their own priorities or of staying true to their values.

"Agendas change quite considerably over, say, a five year period, and the voluntary and community sector may change to follow those agendas. Even though their governance might be independent and not driven by a government agenda, what's driving the money often drives a charity."

Restrictive contracts which set specific performance targets were cited as another central threat to independence.

"In effect we're being denied the possibility under the funding we get to go to work in the area where we feel we are most competent."

Short term contracts mean that survival is an ongoing priority and organisations have little time to devote to service planning and development.

"The contracts used to be three years and now they're down to one year contracts, and now they're moving to spot purchase."

Shifts in government priorities also mean that smaller organisations often lose out to larger more competitive organisations.

“We’re worried that some of our smaller members are going to fall by the wayside because commissioners tend to go for bigger organisations who undercut the smaller organisations.”

Indeed, participants highlighted that the funding situation at infrastructure organisation level was very different to that of their members.

“Some of them are dying to have a one year contract, some of them are stumbling by with one year slush funds that help them go for two or three months.”

Issues surrounding funding sources and funding arrangements clearly overlap with issues of autonomy and the ability of organisations to direct what they do and the way they do it,

1.3(c) The ability to make decisions and set agendas without interference, restriction or manipulation

There was a recognition that a certain loss of independence can occur when sector organisations are delivering public services.

“It is inevitable because someone else has made the decisions, albeit there may be consultation processes, sometimes they don’t even follow the principles of the Compact, but there really is a point whereby you are delivering what the government has decided are the appropriate targets.”

Within this funding reality, one of the key dilemmas facing sector organisations is the extent to which an organisation should accept government funding which takes them away from their core mission.

“One’s so torn sometimes between thinking “if I can just stay in here, I can do some good” and you know you can’t do as much as you really want to do.”

This dilemma is particularly difficult when funding affects the efficacy or very survival of an organisation.

“The choice is very harsh because if you don’t like the terms and conditions, our experience of negotiation is that it doesn’t happen and you then go to the wall.”

One participant described the dilemma as containing a ‘tipping point’.

“There’s a judgement call to be made as to how far you can compromise in the best interests of beneficiaries.”

This tipping point comes in different places for different organisations. It was acknowledged that the government has a right to specify what it wants its money to achieve and sector organisations have a choice whether to accept the money or not and there is always going to be a need to compromise.

“Where you’re coming from is not necessarily the same position that the funders are coming from, so there’s always got to be an element of pragmatism.”

“You can refuse those contracts, but the problem is, if you don’t bid for them, then, in effect, you leave the table.”

One participant argued that compromise and negotiation are not “dirty words” but a normal way of reaching decisions. However another participant pointed out that for that negotiation to be genuine there must be goodwill. The assumption that funders are actually willing to engage in dialogue is sometimes misplaced.

“The Compact provided us the opportunity to challenge but if the other side doesn’t want that dialogue, you’re no further forward.”

Accepting funding can place unanticipated constraints on organisational freedoms.

“We accepted government funding without realising how much of a compromise it would be...The funder was saying “you can’t do that” and “you’ve got to hit these targets” and that led us to do things in a way that we didn’t really want to do at the outset.”

However other participants had little sympathy for those who failed to anticipate the consequences of taking government money.

“If we take some government funding and then feel compromised by that, we should have been more diligent. We can’t pretend that you can sign up to contracts to deliver something and then not deliver it.”

Another form of interference that can impinge on an organisation’s independence is excessive monitoring. Participants raised questions of what constitutes appropriate risk management and how they can best manage monitoring arrangements so that the statutory sector feels they have what they need but the voluntary sector is not over-burdened.

“We sat down a year ago or so and listed all the organisations that were monitoring us. We got to 26.”

Whilst organisations recognised the need for accountability when in receipt of public money, there was a feeling that risk-averse commissioners tend to place over-burdensome monitoring requirements on sector organisations.

“When statutory bodies work with voluntary organisations, the tendency is that they start from a point of almost mistrust and needing to put in perhaps excessive safeguards... They feel the need to put in place all kinds of risk avoidance mechanisms.”

Monitoring can be overly prescriptive and there can be difficulties in contractual arrangements. Monitoring requirements are sometimes out of proportion to the money being received.

“In government departments, contract terms and conditions go off to their finance departments and to their lawyers who don't know about the Compact and they tend to take the more risk-averse stance and put these clauses in where they aren't necessary.”

Over-burdensome monitoring can have the effect of taking organisations away from their core mission.

“Our project workers used to spend most of their working week supporting young people in a hands-on manner. Now I would say they spend most of their working week filling in returns, outcomes, monitoring forms which are 40 pages long.”

The impact of monitoring is experienced differently depending on the size of the organisation with larger organisations having greater internal capacity to develop a greater evidence-base as well as a needs base.

External interference in the way an organisation works and the objectives it sets can lead to concerns about co-option.

1.3(d) Working in partnership without being co-opted or subsumed

Sector concerns around over-monitoring tie into wider issues of power and control. Participants expressed a frustration that the government seems to require the sector to speak on their terms. When communicating with public sector bodies voluntary sector organisations are often forced to use public sector language. This in itself can be seen as compromising their independence.

“You're speaking different languages in terms of outcomes almost... The problem is when you go and talk to a funder, they're talking in the language of PSA21 this and LAA target that. I think we have to fiercely retain our own language.”

Whilst the growing relationships with government offer opportunities to deliver more services and have greater influence on government policy, participants highlighted the dangers of sector organisations performing roles defined for them by government rather than the needs of their beneficiaries. These two things might not always coincide.

The danger comes where organisations are forced, often by sheer economic necessity, not only to drift from their core mission but also to adopt the style and management procedures of businesses.

“The worrying thing about the trend to see the voluntary sector as a partner in public service delivery is that you start to become part of the state institution which delivers that service rather than as independent organisations raising your own needs and solutions.”

A key question is how sector organisations can embrace the new ways of funding, the different commissioning processes and the outcomes-led work targets, but at the same time preserve their integrity and their independence.

“We’re all getting sucked in very, very close to the government sources of funding. And the voluntary sector is an extremely valuable resource in terms of its ability to advocate for people, sometimes against the very authority that’s funding the voluntary sector.”

One participant highlighted the fact that the Compact had a crucial role in guarding against the sector being subsumed by government.

“The Compact has to work because otherwise we’re going to be in serious difficulties. Local authorities will put their arms around the voluntary sector and scoop it in closer and closer and end up controlling the sector. The sector has a responsibility to itself to make sure that it retains its independence and integrity. I think the Compact is a mechanism to do that.”

The importance of trustees in alerting an organisation to the dangers facing their independence was highlighted, however some participants described situations where their organisation’s independence was compromised by the fact that a lot of their board members worked within the statutory bodies.

“It was threatening our independence in a lot of ways because there were some conflicts of interest in their decision-making.”

To avoid these conflicts of interests some organisations ensure that their trustee boards do not contain anybody who is from one of their funding bodies or even a statutory body.

It is clear from the above examination of sources of and threats to independence that the issues facing sector organisations are overlapping and deeply inter-connected.

Section 2: The Compact and independence

2.1 Is the Compact strengthening sector independence?

Participants were asked to grade the importance of the Compact as a means of strengthening their organisation's independence. Only 30 percent of participants viewed the Compact as 'important' or 'very important' in doing so; 23 percent felt that the Compact was completely ineffectual or irrelevant.

Whilst the Compact was unanimously endorsed by the focus group participants as a good idea, this was often qualified with "in principle" or "theoretically".

"The Compact would be useful in theory but if our funding runs out in three months time and our commissioners know that, we're in trouble. We could try and make use of the Compact but by the time that happens, we're out of money."

Many were equivocal about the effect of the Compact on independence and were unable to definitively assess its effect.

"A lot of the groups that I work with are just trying to come to terms with the concept of how they can actually remain independent whilst still delivering public services, and at this point we are trying to use the Compact in order to help that process. But still, it's not possible yet to identify how much the Compact is helping in that."

Those who felt that the Compact had helped to protect and strengthen their organisation's independence gave a range of positive examples.

"The Compact is immensely useful...If you're getting into a tough situation with a local authority or the PCT, all you need to mention is Compact compliance, and by and large they know. You will still have people who don't know what the Compact is, but if you're talking to commissioners and senior people within the authority, they will know what the Compact is and what they're obliged to do."

"The Compact has helped engender a sense of belonging within the sector; a sense of being part of something where we are able to work together to change things for the greater good of everybody in the sector."

There was a general acknowledgment that the Compact had helped to affect a cultural shift in the relationship between the sector and public bodies.

"It has pushed boundaries around full cost recovery, around three year funding. Those are things we weren't talking about not that long ago."

A number of positive experiences were cited where organisations had used the Compact to challenge bad practice and as a result help to improve their independence.

“We’ve gone to local authorities and said you haven’t been Compact compliant and they rolled over last year’s money for another year, and they’ve done that consecutively on two occasions. I’m not saying it’s just because of the Compact, but the Compact has been an enormous part of our armour, our weaponry in getting that through.”

In one local area, the council’s standard contract contained various clauses which were not compliant with the Compact and could be viewed as threatening the voluntary sector’s independence. For example, groups were required to send the council full minutes of all their trustee boards’ meetings. A coalition of concerned organisations raised these issues with the council and recently secured a full consultation with the local sector in order to change the terms of the contract.

The Compact was also praised for having made communication between the voluntary sector agencies and infrastructure agencies happen and allowing common ground be found between them. Even if they communicate and disagree there is more communication between second tier organisations and frontline service deliverers.

“It did empower us to have these conversations that you wouldn’t necessarily have with local government organisations.”

Others had a much less positive opinion about what the Compact can achieve.

“It’s window dressing...it’s completely irrelevant to us.”

“A lot of funders don’t even recognise it. Why have it if it’s not being implemented?”

“When anyone’s engaging with a funder of any sort you lose some of your independence because you’re...negotiating or engaging with them to deliver something that they want delivered. So I don’t see the Compact impacting or having any influence on those relationships.”

“The Compact is a statement of intent that the public don’t know about, the stakeholders in those authorities don’t really believe in and the voluntary sector are not making proper use of.”

Most participants reflected a more nuanced view of the Compact, recognising its positive potential for improving relationships whilst acknowledging the current limits of its effectiveness.

“The Compact facilitates the process. Whether it actually influences the response you get, I don't know. I think it gets used but I don't know how much it is responsible for.”

“It's relevant for us and it's relevant for our members' organisations and we've had recourse to it on certain occasions, it's had some sort of impact but the general problem we come across with it is that it doesn't have a great deal of teeth.”

“The Compact has tried to codify the landscape but you're still dancing with the devil at the end of the day.”

“Although you can use the Compact to try and encourage that relationship, I don't think you can say to them, you've got to fund us, because it's actually a business relationship that you've developed.”

The variation of opinion on how far the Compact helps to protect or enhance independence is partially attributable to what was described as 'a postcode lottery' where in some areas the Compact worked well and in others it did not.

“It depends on which department in the city council you're working with. Some will adhere to full cost recovery and in another local authority their own finance departments are not adhering to it.”

“I utilise it in relation to each local authority that we work with in the north, so about 50 local authorities, and everybody's different.”

The study suggests that it is ironically those areas where there are poor relationships with public bodies (i.e. the ones who actually need the tools of the Compact the most) that are least likely to know about or use the Compact. As one participant's organisation recently found in a study on independence with 60 advocacy groups across the country, those organisations that had a good relationship with their funders felt little need to refer to the Compact whilst those that had bad relationships felt that the Compact was ineffectual.

2.2 Building trust and understanding

Lack of trust and understanding were seen as key threats to the sector's independence. A perceived failure on the part of statutory bodies to sufficiently understand how sector organisations operate results in a lack of trust which in turn impacts on all aspects of the relationship. There was a recognition that sector organisations do not always understand the pressures that statutory bodies are under or trust their motives and that the relationship on both sides has much room for improvement. It was seen as part of the responsibility of the sector to do more to understand their government partners.

“One of the reasons why it's sometimes difficult to achieve independence is because the statutory sector does not understand the

voluntary sector...It goes both ways but by and large they don't trust us to deliver what they want."

"We need to each understand each other and the pressures that we're working under. It's about developing a mature relationship...doing the best possible work in a mutually agreed way...it's about negotiation and sensible management of that relationship."

There will inevitably be both good and bad relationships between partners but there was a recognition that the Compact can help to manage those relationships and foster greater trust and understanding. Rather than being regarded as sticking plaster, the Compact should be the basis of the relationship: the starting point for developing a relationship that works well.

"Where it is successful, it's done in a way where you sit down with the partner at the beginning of the process and you say, "these are the terms of reference for our relationship". At the moment most of the activity tends to happen later where the process or the relationship has broken down. The Compact is not really able to fix bad relationships. It may be able to start good ones or reinforce good ones."

At local level, issues of independence can be traced to the very start of the process of developing Local Compacts.

"The issue of who leads the Compact development can affect compliance...If you've got one sector leading on the Compact, then the other sector's probably not quite so involved and therefore might not be so aware of the things they need to do to embed their Compact into practice."

Whilst the idea of using the Compact to build relationships was supported, some participants pointed out that time constraints make this difficult. The relationship between the funder and the funded organisation usually only develops after the funding has been secured.

"You've got a two or three month turnaround to put the bid together. There isn't a relationship building space. The relationship happens once the project starts happening."

Participants stressed the importance of individual relationships and that developing a Compact way of working inevitably depends on the personalities of those involved.

"It's always going to be about individual relationships. If you develop good, positive relationships with people over time, you not only get respect but you also gain independence."

However one participant argued that the Compact helps to take personalities out of the equation. His organisation received £15,000 back from an executive agency that had breached their Local Compact.

“We were really pleased that we used the Compact because actually it meant that we could continue our relationship. Using the Compact meant that we had a framework within which we could sort out the disagreement and it didn’t become personal.”

Ultimately the efficacy of the Compact as a means of relationship building will depend on awareness, usage and implementation.

“You can’t use something as the basis of a relationship if people don’t know that it’s there.”

2.3 Raising awareness

Lack of awareness of the Compact on both sides of the relationship, combined with wilful disregard for its requirements, were seen as key barriers to effective Compact implementation which in turn affected its use as a tool to protect sectoral independence. A diverse range of experience was related regarding levels of awareness of the Compact.

“My wife mentioned the Compact at a senior managers’ meeting in the Home Office. They all looked at her and said ‘what’s a Compact?’”

“I went to a DWP seminar on the commissioning process and when I asked why the Compact had not been referred they said it wasn’t strong enough.”

“There is a lack of awareness among funders that a Compact even exists or when they do know about it they don’t want to stick with it; they agree with it in theory but then insist on paying in arrears, scrutinising all expenditure, asking for a detailed copy of budgets.”

“The framework as a whole is recognised, and it is one of those situations where local authorities are mindful of it...but it’s not embedded into their practice.”

There was a feeling that the issue of independence is a much greater problem at local level than at national level.

“I think local authorities tend to be perhaps not as aware of their independence obligations under the Compact as national government departments.”

Even where organisations receive funding from central government departments, it is often channelled through executive agencies that may be unaware of their obligations under the Compact.

“We raised the Compact with them but they don't see themselves as being part of government. At the end of the day the only thing that actually worked was a judicial review.”

Even where local authorities are sympathetic to Compact principles they are often constrained by inconsistent and restrictive policy on a national level.

“They might be faced with a spending review that says to social service departments, you're going to have 1 percent increase per year for the next three years in an environment where there is inflation of 3 or 4 percent.”

Whilst awareness was low on both sides it was felt that the sector has a greater knowledge of the Compact. Some participants expressed frustration that the onus is on them to assert their independence rather than having it being naturally respected. Indeed many described situations where they had to educate local authorities about the Compact.

“We don't have the time to educate and raise awareness of the people that we're dealing with.”

The assumption that it is the sector's responsibility to raise awareness of the Compact within statutory authorities places a disproportionate responsibility on the sector. This is magnified when there is a Compact breach, since these are times when their independence is under attack and organisations are likely to have the least resources to focus on awareness raising.

“If you're a small voluntary organisation, you might just weigh it up and decide whether you can live with a particular situation rather than really insisting on your independence.”

Organisations on both sides of the partnership need to see evidence that the Compact is something that can help them in practical terms. Participants commented that there are few “good news stories” coming out about the Compact. Real life examples of Compact successes help to transform the Compact from a theoretical document to a concrete and practicable means of achieving things for an organisation's beneficiaries.

“The only thing that will encourage people to use the Compact is seeing how it can help them and how it fits with other priorities.”

2.4 Ironing out inconsistencies

Concerns were expressed about the failure of central government to take their Compact commitments seriously. One participant pointed out that the Treasury has failed for the last three years to meet their own full cost recovery targets whilst another claimed that the Home Office does not apply full cost recovery.

“If central government can’t and will not get it right, how are we going to influence that process?”

Even where government departments were aware of their Compact commitments a recurrent theme expressed was the failure of the Compact to effectively cascade down. Knowledge and understanding of the Compact were not seen as to trickle down sufficiently to commissioner level or permeate up to the board of director level.

“We’ve got ministers saying, “we adhere to the Compact”, but when it comes down to the level of civil servants bits gets lost. You get different departments that are actually adhering to the Compact very well and others that are not.”

“We’ve raised the Compact on full cost recovery issues and found that statutory bodies, either their legal departments or their audit departments can’t agree how to apply it.”

The failure of public bodies to recognise or implement the Compact can result in a loss of confidence in the Compact on the part of the sector. Some participants felt that the public sector has little incentive to use the Compact and that there needs to be a greater sense of ownership of the Compact at all levels.

“They hold all the cards so they have no need to refer to the Compact. It is one of those things that does need to come from the top down in the end.”

“What involvement or ownership does national government have in the Compact? If it was built into every funding stream, every policy creation, then it would be listened to because it would have to be.”

2.5 Levelling the playing field

The relationship between the voluntary and community sector and the government is inevitably one of power imbalance as one side has much of the funding and decision-making power. This imbalance does not have to be problematic as a partnership is not necessarily a relationship of equals. The aim of the Compact is not about creating equal partners but rather about treating partner’s equally. It should also provide a balancing mechanism that equalises the playing field, enabling sector organisations to function effectively despite limitations of resources and skills. Participants pointed out that even this role could be problematic.

“There are tensions between the Compact as a special relationship between government and the sector and the provider neutral approach to commissioning...How can we be given special consideration if it’s level playing field?”

“We’re in competition with private sector companies...they just absolutely throw money at things. We simply can’t do that and it’s such an uneven playing field. The Compact doesn’t protect us in any way from the private sector.”

One participant felt that contracting is increasingly being seen by both sides as offering solutions to the problem that the Compact was supposed to solve.

“Charities sometimes are looking at contracts and saying, any private sector business will say they’re not going to accept payment six months in arrears so they put it in the contract that they will be paid on time. That’s legally binding so it’s almost like the Compact...doesn’t fit into contracting.”

Participants pointed out a role for the Compact to help argue that outputs are not the only way of measuring social impact and to advance alternative creative reporting measures. It can also be used to reduce the burden of monitoring.

“One thing the Compact can do...is to organise the various public bodies that fund the voluntary organisations in a city to have essentially the same monitoring form so you’re not duplicating.”

Ultimately the Compact is not about giving preferential treatment to sector organisations but removing the barriers and ensuring a level playing field..

2.6 Building the confidence to challenge

Participants acknowledged that there is need for the sector to take responsibility for asserting their own independence.

“These are our relationships and we need to take responsibility for them. If we don’t like the terms and conditions of something, either negotiate them and change them or don’t take them. We do have that choice and I think sometimes we tend, often because we need the income, to follow that money and we compromise all the time.”

At the beginning of any relationship organisations have with funders or policy makers organisations should use the Compact as a basis for good partnership working.

“All negotiations should be prefaced by the sector organisation saying ‘we have a local Compact; would you please read it before we come to negotiate with you, then we all know what we’re signing up to’”.

Several participants expressed the view that it was incumbent on sector organisations to use the Compact to assert their independence by seeing where the Compact fits when they are designing internal business plans or strategic plans.

“If you're engaging in public sector delivery, you should have a Compact champion within your organisation. Someone who embeds the Compact so every time you go into a public service delivery contract, you're looking at it, engaging with the provider and you're talking about the Compact and how it fits within the public service contract.”

Participants stressed the need for the Compact to be raised in meetings and for trustees to take a lead in raising awareness. An example of good practice was given by a participant whose organisation uses its annual meeting to ask each of the signatories to the Compact to report on how they have been using the Compact and how it has affected their activities.

A principle reason cited for organisations not asserting their independence is a lack of confidence.

“There's this idea within the sector that we're 'not allowed to' challenge things. But once you start having the confidence to raise issues, whether it's using the Compact or not, then you begin to realise that there is room for dialogue.”

Independence can make an organisation more powerful and the greater an organisation's power, the greater their sense of independence.

“People become independent out of strength, out of knowledge, out of being able to capacity build so they can deliver.”

There was a recognition among many participants that the sector has to take more seriously its efforts to demonstrate its impact especially since the softer outcomes of their work might not always be readily or immediately apparent.

“Merely pointing out the success of a project is not good enough when an organisation has to account for public money.”

“By demonstrating our impact we can say to funders...we're doing what you asked us to do. We've got service standards, charter mark, outcome measurements. Now actually we want three year funding.”

However even where an organisation communicates its impact effectively and has the most rigorous analysis of that impact there is no guarantee that a statutory body will provide funding or “trust them with the money”.

Many participants described how their organisation's independence had developed as their confidence grew. One participant described how her organisation was initially anxious that their campaigning activities conflicted with their role as service deliverers. The Compact helped her organisation change its culture.

“We started to get a different internal feel, and started to become more independent in our own views... We took a very different cultural approach and started to say to funders we’re delivering you a quality service and if you want to contract us you can, but we’re going to tell you where you’re going wrong. I think the independence element of it grew as our own confidence grew.”

Participants also stressed the importance of ensuring good governance structures within their organisations.

“I think from my experience, the Compact’s a really good tool...it’s almost like a checklist of things and if you do all of those things, you are likely to be a very good organisation which is absolutely independently managing the relationships.”

2.7 Strengthening the Compact

This study was undertaken before the announcement of the 2008 Compact Debate reviewing the future of the Compact. Nevertheless, there was some discussion in the focus groups around how the Compact might be amended to reinforce sector independence.

A recurring refrain from the focus groups was that the Compact is “lacking teeth”. The lack of government accountability for Compact non-compliance and the lack of enforcement measures to tackle breaches were cited as a weakness of the Compact. Despite the commitment from government and the sector to follow Compact principles the fact that the Compact is a voluntary agreement was seen by some participants as the root of the problem.

“I think it’s the problem of having a ‘should’ when you want a ‘must’”.

Whilst giving the Compact statutory powers was seen by some as a potential disincentive for public bodies to contract with the sector, the idea of giving powers to the Commission for the Compact to investigate Compact breaches was broadly welcomed as something that could give the Compact the “teeth” it was lacking.

“When there is the possibility of legal arbitration, it’s amazing how quickly everyone finds out what their obligations are.”

However participants stressed that giving the Commission statutory powers might not necessarily improve partnership working, understanding and trust and should be done in conjunction with other actions to strengthen the effectiveness of the Compact at local and national levels.

“The Compact has got to be strengthened in areas where it’s weak, and the areas where it’s most weak is where it deals with very small organisations, because they’re the ones that just haven’t got the clout to make sure that the Compact delivers for them.”

Although ensuring the Compact is as relevant, up-to-date and accessible as possible was seen as important participants did not feel there was an urgent need to revise the Compact. However it was felt that there was a need to develop summarised versions of the codes that could be more easily communicated and dispersed.

In addition to giving the Compact some form of statutory underpinning, participants also called for the improvement of existing mechanisms to strengthen the Compact. For example the fact that local level dispute resolution processes vary in effectiveness across the country was highlighted. A clear systemised disciplinary and grievance procedure would remove these inconsistencies.

Conclusions

“If we don’t challenge we will never move forward.”

In an ideal world there would be no need for a Compact. Indeed if Compact principles were fully embedded and partners properly respected and trusted one another the Compact would drift into obsolescence. It is clear from this study, however, that the current situation is a long way from this ideal.

The study revealed that sector organisations regard independence as crucial to the work that they do. There was a powerful recognition that the Compact has helped to affect a significant cultural shift in the relationship between government and the sector and a strong desire to see the role of the Compact strengthened. However, opinion about the efficacy of the Compact in protecting and enhancing sector independence was much more divided. Views ranged from those who regarded the Compact as important or very important in strengthening their organisation’s independence to those who felt that the Compact was completely ineffectual or irrelevant. Whilst the principles of the Compact were supported in theory, many felt that in practice the Compact was something of “a blunt instrument”.

The majority of participants reflected a more nuanced view of the role of the Compact, recognising its positive potential for improving relationships whilst acknowledging some of the current limits to its effectiveness. The study suggests awareness of the Compact on both sides of the relationship is low, Compact compliance is patchy and effective Compact implementation at local and national level is yet to be fully realised. A gap was identified between the relationship outlined in the Compact and the reality of organisations’ every day experience. Lack of awareness of the Compact on both sides of the relationship, and wilful disregard for its requirements were seen as key barriers to effective Compact implementation. There was a call for the Compact to be more embedded in practice.

A recurring theme to emerge from the focus groups was that of the importance of organisations having confidence in their own independence. This confidence can be built through organisations using the Compact to assert their independence as well as through good governance structures, but equally can be undermined by conflicts and interference from government.

Threats to independence centred on overlapping issues of funding and commissioning of services, real and perceived fears among sector organisations of criticising government funders, and interference in organisations’ freedom to determine and manage their affairs. Genuine fears were expressed that there was a pressure on voluntary sector organisations to compromise their core values and become mere sub-contractors or agents of the state. The failure of statutory bodies to sufficiently understand and trust

the sector was seen as another key threat to the sector's independence and the Compact was viewed as having an important role in building greater understanding and trust.

Participants acknowledged the need for voluntary and community organisations to take greater responsibility for asserting their own independence. Independence is something that can be functionally built into the structure and operations of sector organisations and through building skills and organisational competence, they can gain the confidence to challenge and to stay true to their values and their core mission.

A key point to emerge from the focus groups is that sector organisations are not specifically interested in the Compact and making it work – rather they are interested in making their relationships with government work and the Compact is a way to achieve that. Giving the Commission for the Compact some form of statutory powers would strengthen the Compact and any revisions to the Compact should make more explicit links to independence. Actions must also be taken to ensure that the Compact is better implemented through increased awareness and usage in both sectors.

Recommendations

These recommendations do not constitute an exhaustive list but instead attempt to synthesise some of the key general and specific recommendations made by focus group participants.

Awareness raising

- Comprehensive, targeted, promotional campaigns to increase appreciation and understanding among both sector of the Compact and how it can strengthen independence. This should include publication and dissemination of good and bad practice case studies;
- Improving the voluntary sector's knowledge and skills in relation to using the Compact to enable them to advocate effectively on their own behalf;
- The Compact should be raised in sector meetings, with trustees leading on raising Compact awareness and on taking responsibility for their organisation's independence.

Implementing the Compact

- More Compact champions are needed, both within the voluntary sector and within government at a local and central level;
- The national Compact and Local Compacts should be nationally monitored to make sure that authorities are acting in the spirit of the Compact and are implementing it properly;
- The Compact must be properly "plugged into" commissioning practice to ensure that inside each statutory organisation Compact principles are part of the commissioning process;

Strengthening Compact effectiveness

- Giving powers to the Commission for the Compact to investigate Compact breaches could improve implementation and awareness;
- All government policy should be 'Compact-proofed' to ensure that it complies with, and makes meaningful reference to, national or Local Compacts;
- Improve guidance for statutory bodies, including legal, audit and finance departments, as well as non-departmental public bodies.

Building trust and confidence

- A greater number of secondments and employee volunteering schemes between different sectors;
- 'Mission-proofing' of sector organisations' decisions, including acceptance of any contract;
- Organisations must take action or seek support if they feel that their independence is being compromised by their government partner;
- Over-burdensome monitoring needs to be challenged and the Compact used to encourage public bodies to reduce monitoring, standardise monitoring forms and encourage the recognition of more creative reporting measures.

Annex 1. Methodology

The findings within this report are based on the views of 47 voluntary and community sector employees from national organisations in England, expressed in a number of focus groups. An independent facilitator was recruited to conduct five focus groups in three cities (London, Birmingham and York) during May and June 2008.

Each focus group involved:

- 1) an exploration of how the participants define and understand independence and why it is important to their organisation and those they work with;
- 2) a discussion around participants' experience of how the Compact has impacted, negatively or positively, on their organisation's independence; and
- 3) a look ahead at ways to overcome the barriers that restrict the Compact's ability to protect organisational independence.

The interim findings of this research were presented at an Independence Day event on 4th July 2008 together with findings from research commissioned by the Compact Commission exploring the understanding of independence issues among a cross section of central government departments.

Discussions from the Independence Day event inform this report which will in turn feed into Compact Voice's annual sector report presented to the Compact Annual Meeting in December 2008.

Compact Voice administered the invitations to the focus groups. An initial "call to all voluntary organisations" went out "snowballing" through networks and infrastructure organisations and was also placed on a number of websites. Compact Voice also contacted a number of participants directly trying to ensure as wide a range of organisations with differing objectives as possible.

Approximately 51 percent of the respondents' organisations had an income of over £1 million. A further 44 percent had an income of over £100,000 and less than 5 percent had an income of under £100,000.

These figures contrast with the overall makeup of the sector which consists of roughly 1 percent of organisations with an income over £1 million, approximately 10 percent with an income over £100,000, and 89 percent with an income of less than £100,000. This also does not include the unregistered or uncharted voluntary and community sector. It is clear that the participants of the focus groups do not reflect the composition of the sector as a whole.

Participants described 20 categories of objectives for their organisations: Black and Minority Ethnic Groups, Children and Young People, Community, Disability, Education and Training, Environment, Families, Health, Homelessness, Housing, Social Enterprise, Drugs and Alcohol, International,

Relationship Counselling, Befriending, Prisons, Infrastructure, Older People, Refugees and Asylum Seekers, Sport.

Approximately 40 percent of participants described their knowledge of the Compact as advanced, 30 percent as intermediate, 25 percent as very little, 5 percent as non-existent.

Five focus groups could not provide a comprehensive range of the experiences of the voluntary and community sector but can claim to have captured an indication of the range of experiences and opinions.

Annex 2: Resources

Compact Voice runs two networks which provide a forum for national and local organisations to discuss Compact issues, such as independence, as well as exchange information, experiences and best practice. They also provide a network for members of statutory bodies to discuss Compact matters.

www.compactvoice.org.uk

The Compact Advocacy Programme was set up by NCVO to help voluntary and community organisations use the Compact to improve their relationships with government. The Programme provides practical support and wider campaigning to the sector in cases where the government has not followed the principles agreed in the Compact. Contact Compact Advocacy Programme, NCVO, Regent's Wharf, 8 All Saints Street, London, N1 9RL Tel 020 7520 2551 www.ncvo-vol.org.uk/compactadvocacy/

The Code of Governance sets out best practice in trusteeship

www.ncvo-vol.org.uk/governanceandleadership/

Hallmarks of an Effective Charity is a Charity Commission publication that sets out the standards that will help trustees to improve the effectiveness of their charity. It is divided into six Hallmarks or principles.

www.charity-commission.gov.uk/publications/cc10.asp#b

Charities Evaluation Service (2007) PQASSO Third Edition; a practical quality assurance system for small organisations or for projects within larger organisations. It provides a flexible, step-by-step approach to working out what your organisation is doing well and what could be improved.

Independence issues are incorporated into the different components of the framework. Available from www.ces-vol.org.uk

Action for Advocacy (2006) Quality Standards for Advocacy Schemes: a guide for advocacy organisations on how to put principles such as independence into practice, relevant for all organisations with an interest in independence – available free from www.actionforadvocacy.org.uk

Community Matters (2005) Becoming VISIBLE: operating standards for community organisations has a specific assessment chart on independence. See www.communitymatters.org.uk

Literature Review: research into independence and the Compact (2008) gives a full account of research and academic discussion on the independence of the voluntary and community sector from government. Available free from www.thecompact.org.uk

Compact Voice is an independent body representing the voluntary and community sector on taking forward the Compact. Compact Voice runs three networks to discuss Compact issues, concerns and priorities as well as exchange information, experiences and best practice.

www.compactvoice.org.uk

Tel: 0207 713 6161

Email: compact@compactvoice.org.uk

Join the National Network at

<http://compact.ning.com/>

To join the Local Network contact

paul.barasi@compactvoice.org.uk

Join the Friends of Compact Voice Network

at <http://friendslcv.ning.com/>

Compact Advocacy

The Compact Advocacy Programme provides practical support to voluntary and community organisations in cases where statutory bodies have not followed the principles agreed in the Compact.

Contact the Compact Advocacy Programme:

Tel: 0207 520 2460

Email: compact@ncvo-vol.org.uk

www.ncvo-vol.org.uk/compactadvocacy

Other partners

The Compact is represented in government by the Office of the Third Sector
www.cabinetoffice.gov.uk/third_sector/Partnership_working/compact_2.aspx

The Commission for the Compact was formed in 2007 by Compact Voice and the Office of the Third Sector as an independent body responsible for overseeing the Compact and its Codes of Good Practice:

www.thecompact.org.uk

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