



Mind the gap

This is bound to hurt!

Supporting our
Voluntary and
Community Sector

What we definitely know.



- Manchester City council will make cuts of £110m in the next 12 months.
- Redundancies of approx 2000 fte staff from the council.
- Cuts to Voluntary Sector of approx £12m.
- More than a quarter of the authority's children's services budget will be slashed, with the council no longer directly providing many youth facilities.
- The running of youth centre's will be transferred to partner agencies such as voluntary groups, with the threat of closure if no-one steps in.

More cuts.....



- Manchester is losing more than a third of the 'Supporting People' grant it gets from the government – or £12.6m – to help people stay in their homes.
- Loss of 340 supported housing units.
- The end of control of all 36 council-run Sure Start centres.
- The end of the Council as a provider of youth services.



- The changes in the Individual Budget which will restrict the Cash element (possibly affecting those organisations who have been charging for their services).
- Closure of Manchester Advice a cut of £1.68m as well as possible staff losses.
- Voluntary Sector cuts, for services promoting independence of 2m (in addition to the Supporting people cuts).



Changes to children's services

- School improvement service cut by £2.88m
- New arrangements for provision of childcare using external providers
- £6m saving in Sure Start through disestablishment of Children's Centre teachers
- The Council will cease to be a universal provider of Early Years activities



Changes to children's services

- Further savings of £2.8m are required to reflect loss in grant funding, particularly for 14-19.
- The existing contract with Connexions will be renegotiated.



Interesting direction of travel

- The Localism bill-Reduced and decentralised government
- “Big society”
- Community Organisers- It will look very different from the Obama model
- GP Commissioning
- Neighbourhood Delivery Teams

“ Neighbourhoods are going to be key: they are the building blocks of public services (in)society.”

Eric Pickles' speech to the Local Government Association annual conference - 7 July 2010



Big Society Bank

- Big Society Banks - It will **not** make grants and it will be expected to make a sufficient return on its investment to cover its operating costs.
- Currently Big Society Bank is awaiting approval from the EU, where it is being considered in light of anti competition laws.
- Big Society Banks will focus on Social Enterprises.
- The money will come from dormant accounts (100m) and a loan from the Commercial banks through Project Merlin (in other words loans from banks we own, will be underwritten again by taxpayers!!)



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Equalities Impact Assessment

This guidance is valid until 6 April 2011.

An overview by Mike Blaney



What is an Equality Impact Assessment and who are the target equalities groups



- **I disagree with my local councils decision to cut funding to a service I use, can I use EqlA to stop the cuts?**



- **The impact assessment shows that changes to service provision will have a disproportionate impact on disabled people. Can they still carry out the changes?**



- **I work for a public authority which has decided to close down my department. Although they have considered the impact this might have on equality, they haven't done a formal Equality Impact Assessment, are they in breach of their obligations?**



- **My local authority is short of money. why should they waste time impact assessing, if they don't have to take any notice of what they find in their impact assessment?**



- **My health authority is cutting services for older people, but not younger ones, they haven't looked at the age equality implications of this, do they have to?**

What do I do if I want to challenge Public bodies over their decisions?



- Analyse the information you have collected – what exactly is the issue? Has a law been broken? Has the Compact been breached? Who has information that might help? Who else is involved? What do you want to achieve? What is the decision you want changed?
- Identify a plaintiff if a court case is being considered, or if a complaint is being made to the Ombudsman. N.B. only someone who has been discriminated against can bring a court case.
- Be aware of the time limitation for bringing a case – for a Public Law challenge this is currently 3 months
- Check with The Equalities and Human Rights Commission - are they already active with regard to the issue?
- Challenge the decision using the Compact, The Ombudsman, or Public Law



Options for Challenging Public Bodies

- **Using The Ombudsman**
 - You must have made a complaint to the Council first and be dissatisfied with their response
- **Using The Compact**
 - An agreement between public bodies and the voluntary and community sector, setting out how they relate to each other. A framework for working together in a spirit of trust and respect. There are 5 Codes of Good Practice; Black & Minority Ethnic, Community Groups, Consultation & Policy Appraisal, Funding & Procurement, Volunteering
 - Local Authorities can be challenged for breaching the local compact, including when they say they will consult but fail to do so.
 - The Compact Advocacy Programme (NCVO) can advise on challenging breaches of the Compact. They may refer the issue to the Public Law Project if legal action is appropriate.



Options for Challenging Public Bodies

- **Using Public Law**

- The set of legal rules which ensure that bodies carrying out public functions discharge their legal duties and do not abuse or exceed their powers.
- If a public body tells you that it is going to act in a certain way, the courts interpret this as a **promise** and may regard it as an abuse of power (and therefore unlawful) for the body to later change its mind or break its promise to you. This includes a promise to consult on a particular issue.



What's the point? Some examples of legal challenges under Equalities Law



For more information: The Compact

- The Compact: www.thecompact.org.uk
- The Compact for Manchester:
http://www.manchester.gov.uk/a_to_z/service/1324/working_together_a_compact_for_manchester
- Manchester City Council Area Coordination and Third Sector Team: 0161 234 3141 e-mail:
voluntary.sector.grants@manchester.gov.uk
- Compact Advocacy Programme: Helpline 020 7520 3161
www.ncvo-vol.org.uk/compactadvocacy
- Compact Voice: www.compactvoice.org.uk



For more information: other ways to challenge

- Local Government Ombudsman: 0300 061 0614, email advice@lgo.org.uk
- The Parliamentary and Health Service Ombudsman: Helpline 0345 015 4033; e-mail: phso.enquiries@ombudsman.org.uk
- Public Law Project: www.publiclawproject.org.uk/Volsectcomms.html
- Equalities and Human Rights Commission: 0845 604 6610: www.equalityhumanrights.com



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Freedom of Information Act

A guide by Mike Blaney



What is the Freedom of Information Act?

- The FOI gives you the right to ask any public body for all the information they have on any subject you choose. Unless there's a good reason, the organization must provide the information within 20 working days. You can also ask for all the personal information they hold on you.



Who can make FOI Requests

- **Everyone** can make a request for information – there are no restrictions on your age, nationality, or where you live.



What are the restrictions?

- You can ask for any information at all - but some information might be withheld to protect various interests which are allowed for by the Act. If this is case, the public authority must tell you why they have withheld information.



Can I ask anyone for information?

- The Act applies to public bodies including:
- Government departments and local assemblies
- Local authorities and councils
- Health trusts, hospitals and doctors' surgeries
- Schools, colleges and universities
- Publicly funded museum
- The police
- Non-departmental public bodies, committees and advisory bodies



How do I make a request for information

Write to (or email) the public body and include:

- your name
- an address where you can be contacted
- a description of the information that you want

To help the public body find the information, give as much detail as possible.

For example, say 'minutes of the meeting where the decision to do X was made', rather than everything you have about X'.

An example



- Dear Sir or Madam,
The TSA recently concluded an inquiry into the Novas Scarman Group, and has published on its web site a statement regarding its findings.

TSA has decided that it will not publish the report produced by BDO Stoy HAYward.

Under the Freedom of Information Act I wish to request a copy of the full report.

I wish to request also any notes or minutes taken at the meeting where it was decided not to publish the report.

I wish also to request notes or minutes taken at the meeting where the TSA reached its judgment.

I wish also to request notes or minutes taken when TSA met with BDO to discuss the report.

Finally I wish to ask the cost of conducting the inquiry, specifically how much was BDO paid for its work

Yours faithfully,

Mike Blaney

Dear Mike

I am writing in response to your Freedom of Information request that was submitted to the TSA on 17 July 2009, in which you requested the following information (in respect of the statutory inquiry into Novas Scarman):

1. A copy of the full report
2. Notes or minutes taken at the meeting where it was decided not to publish the report
3. Notes or minutes taken at the meeting where the TSA reached its judgement
4. Notes or minutes taken when TSA met with BDO to discuss the report.
5. The cost of conducting the inquiry, specifically how much BDO was paid for this work

By way of background, the BDO report was considered by the Board of the TSA on 14 July 2009 where they decided that there had been mismanagement in the form of a collective failure by NSG's Board and Executive team in:

- Failing to be in a position to fund the required outcome of necessary improvement works to Arlington House in Camden as agreed with the Office of the Deputy Prime Minister (ODPM), the London Borough of Camden and the Housing Corporation, and
- Failing to exercise proper management of the financial affairs of NSG, leading to a position during December 2008 where the Group faced major financial difficulties, including serious cash flow problems.

The TSA Board also:

- Concluded that the inquiry report disclosed insufficient evidence to support a finding of misconduct in relation to any individual, despite the finding of a collective failure of management.





What does it cost?

- Most requests are free. You might be asked to pay a small amount for photocopies or postage.
- If the public authority thinks that it will cost them more than £450 (or £600 for central government) to find the information and prepare it for release, then they can turn down your request. They might ask you to narrow down your request by being more specific in the information you're looking for.



Exemptions

- Cost
- Commercially sensitive information
- Asking for information about a person who can be identified, which is covered by the Data Protection Act
- Information provided in confidence
Asking for information that may prejudice effective conduct of public affairs
- Asking for information that is scheduled for publication 'at some point' in the future



Helpful tips?

- www.whatdotheyknow.com
- www.direct.gov.uk
- www.cabinetoffice.gov.uk/transparency
- You can make your request privately, or publicly using the 'What do they know' website.
- Don't forget that you can just ask for information, most people will try to be helpful.