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COMPACT CONSULTATION RESPONSE

Introduction

We would like to start our reply to this paper by emphasising that our perspective is that of a local agency in an area where relationships between the VCS and the Council have historically been very good. For us the Compact has been a useful and interesting tool, which has allowed us to look at how we work together in different ways, and create some new structures that have been helpful; but the Compact in Newcastle was never faced with the task of creating good relations where previously they did not exist.

We make this point because we feel that VCS colleagues in areas that were faced with that task might well have different views on what should, or indeed could, be done. We are sure here that the Compact is a useful tool for building work in an area where positive relationships are the norm; we can have no idea of its value in areas where that was not the case.

Statutory Powers

(Q4) NCVS view is that to give statutory powers would not be helpful. We are of this opinion for 3 main reasons:

- It would be likely to have a negative effect on relations between the VCS and statutory bodies.
- It is likely to be cumbersome to police and therefore to waste resources that could be better used.
- If statutory powers are to be introduced then lawyers would have to become involved. The construction of such a system is likely to be complex, and inevitably considerable delays would ensue. (Witness the slow passing and implementation of the Charities Act). During this period of delay, positive action would be likely to cease entirely.

While we understand the frustration of many at the apparently slow pace of implementation, we would point out that with hindsight, this is not at all surprising. Getting a large and complex body like the Government and its agencies to fundamentally change their ways of working was always going to take time. Even in Newcastle, where the scale is much smaller and the relationships already positive, we were surprised at how much work had to be put into establishing the Compact and making it known. 10 years is actually not very long for a task such as this, and improvements are already evident as time passes.

National/Local

(Q1&2) At present local Compacts are locally designed, so each one is likely to be different. This is a strength, because they can be designed to meet local circumstance, but of course can also be a weakness, since inevitably some Compacts will be less well designed or weaker than others.

This gives rise to complicated questions. If **only** the national Compact is statutorily enforced, there will appear to be a large difference between the status of the local and national VCS, which could be harmful in its own right. If, however, **all** can be statutorily enforced, the position of the enforcing agency will be highly complicated, with so many different documents to enforce. Our guess is that this would be so difficult, that there would eventually be an inevitable drive to have a single local Compact, and we believe that then a great deal of local value would be lost.

Should Legal Obligations be Placed on the VCS?

- (Q4) Even more vexed is the question of whether statutory powers should fall on the VCS as well as the Government/Local Authority. At first sight, fairness would seem to suggest it should bind both, but further thought reveals the difficulties of constraining the VCS in this way. The VCS is not a single organisation, it is thousands. Even if there has been a good consultative process in making the document, it is doubtful if one could say that each organisation has knowingly signed up to be bound in this way; then the passage of time will introduce further complications – how long does such an assent last, even if it was given in the first place? And what about the organisations that come into being afterwards? (of which there will be many). And there is then the spectre of VCS being bound by a whole new set of constraints, open to inspection by yet another body, and the whole thing could appear so frightening that the VCS abandons the Compact in large numbers – which is hardly the desired outcome.
- (Q22)

Resolution of Disputes

There is no question in our mind that any Compact must have a system for investigating and resolving instances of non-compliance, and that without it the document is useless. At Newcastle we designed such a system at the same time as the Compact document, and it has stood us in good stead, so we are in no doubt that such a system must exist, at both local and national levels. However we know such a system does exist at national level, as we have brought a complaint against a NDPB, using the NCVO unit, which was both speedy and successful. In our view, it would be more productive to continue to build on yet more effective ways of dealing with these situations than going down the statutory powers route.

We would like to quote a statement in the consultation document itself.

“The Compact contains undertakings freely given by the Government, and a court would expect a Government body to meet its undertakings unless there were good reason not to.”

We believe that this goes to the heart of the issue. The Government has many ways of showing that its undertaking is serious and that it intends to make the national Compact work, and has indeed started to use them. We believe it would be better to put efforts into doing this than becoming involved in the statutory powers debate. But these efforts will need to be effective, and visible.

National Ways of Making Local Compacts Effective

- (Q3) As for local Compacts, Government again has many ways short of statutory instruments to influence the behaviour of LAs and other bodies in relation to local Compacts. For example there are many audit and inspection regimes, and assessment of the working of Compacts could be built into these. Similarly, flows of Government funds to local bodies often require various conditions to be met, and these could again be used to enforce the need for effective local Compacts.

In short, we believe that sophisticated and determined efforts to make Compacts more effective are likely to be more useful than what would be an inevitably complex set of statutory powers – which furthermore, at local level, would have the potential to annoy both VCS and statutory agencies. Fine tuning and follow through implementation are nearly always more effective than fundamental change.

We have comments on some questions about the national Compact itself.

Content

- (Q8-12) In Newcastle, we did not produce Codes on Community Organisations or BME Organisations. We believe that since there is no proper definition of “Community Organisations” it is unhelpful to have a special set of requirements, and actually only likely to cause dissension between VCS organisations. We produced no BME Code because we believe that the requirements about BME, and work with other disadvantaged groups, should be built into the other Codes, and not be a separate issue.

Separation of Documents

- (Q13) Judging from our own documents, combining them would lead to a highly unwieldy document, which would be even more off-putting. We receive some feedback from the sector that the current size can be off-putting, but we have to balance that against the fact that we have also learnt that it is the detail that is really important, and losing that would remove much of the importance of the documents.

In addition, we believe that when VCS organisations have recourse to the Compact, it is usually over some particular issue, and it is therefore helpful to know which Code applies.

Wider Remit

- (Q14) We would not favour an extension of the Compact’s remit to the wider 3rd Sector, as we believe it would be likely to make it more complicated, and hence harder to use. Alternatively, it would be made more general in order to apply to a wider range of organisations, and this too could reduce its value. It seems to us self evident that conditions that appropriately applied to a voluntary organisation would not be appropriate applied to, say, a co-operative, or a Community Interest Company.

Further, if efforts were put into the complex business of extending the remit, then they would be diverted from what we believe is the real task at present – working to make the Compacts effective.

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