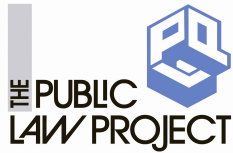


Empowering the voluntary sector

Issue 15 June 2011



Working with



Welcome to the 15th edition

With much in the media over recent weeks regarding cuts in social care budgets, in this edition we spotlight some of the key issues. Barbara Booton provides a perspective on personalisation from a service user view point and we highlight the recent judicial review against a city council that planned to cut its adult social care budget. Although this is not a case taken forward by the EVS advice team we felt it was important to bring this case to your attention.

With the voluntary and community sector still battling against cuts made at local level, we have two case studies for you to consider. Daniel Fluskey reviews a case taken against Birmingham City Council who planned to axe funding to legal advice agencies. The agencies involved spoke to the Compact Advocacy team as part of their original fact finding mission when the issues of cuts arose. The litigation was taken forward by Public Law Solicitors in Birmingham.

Our second legal case study is provided by Louise Whitfield of Pierce Glynn Solicitors (formerly with the Public Law Project). Louise reviews the successful judicial review taken by the Roma Support Group against London Councils when a decision was taken to cut funding, without due regard to equalities issues.

Diane Astin from the Public Law Project continues our popular *"Did you know?"* series with a review of consultation processes. We also explore how the Compact fits into a recent consultation on best value guidance. Tom Elkins, Manager at Compact Voice give us a brief update on changes to the Voice team and to round off we have our usual listing of EVS workshops over the coming months.

The Public Sector Equality Duty in action

Daniel Fluskey, Compact Advocate

In a recent judicial review case *R (Rahman) v Birmingham City Council* the judge found that the manner in which funding was terminated for legal advice services, run by three voluntary sector organisations, was unlawful. In the decision making process the Council failed to adequately consider their Public Sector Equality Duties (PSED). While as in every legal case the individual facts are different, there are some important points made in the judgement that would be relevant for any organisation who felt that that a public body had not acted in a way consistent with the PSED. The solicitors for the case were [Public Law Solicitors](#).

The background

There is a long background to the case concerning consultations, extension of contracts, and reviews. The key decision was taken in November 2010 by Birmingham City Council when they decided to terminate funding for Legal Entitlement Advice Services pending new commissioning arrangements that were due to come into force in the summer of 2011. An Equality Impact Needs Assessment (EINA) had been prepared before this decision was made, but there was no evidence that the lead councillor had appropriately taken into consideration the findings of the EINA and therefore had failed to discharge the PSED when making the decision. The decision was challenged, and a fresh decision was made by the council in March 2011. This decision reaffirmed and approved the original decision that was made in November. The case was brought to court by five claimants, service users of three organisations, who put forward the argument that the decision to terminate funding was unlawful as Birmingham City Council were in breach of the PSED.

The judgment

The judge concluded that both decisions were unlawful. It is worth quoting the reasons for each decision in length to get an idea of how the PSED should be properly applied.

“...the November 2010 decision failed to have due regard to the PSED since it was not in the minds of all the decision makers taking the decision....There is no evidence to suggest that each of the decision makers were aware of the duty and how it was engaged in these decisions at the time they took the decision.”

For the March decision the judge accepted that

“...each of the decision makers was aware of and had their attention drawn to the EINA and the need to take it into account. However, in my judgment, that decision was also defective for two essential reasons, namely that there were substantial defects in the EINA that had been prepared in November 2010 and secondly that the duty is not merely to have regard to the EINA but to have due regard to the PSED...”

Key points to consider

Judicial review, unlawful decisions, and the Public Sector Equality Duty are all tricky concepts, and it is hard to get a concise description of what is lawful and what is unlawful. Each case will always turn on its own merits and circumstances. But if your organisation is affected by a decision from a public body, there are some important points that come out of this case that you should think about in trying to assess whether it might be challengeable.

- The preparation of an Equality Impact Needs Assessment cannot be taken on its own to be a mark of whether the decision is lawful or not.
- The results of an EINA, if done, must be brought to the minds of the decision makers who should evidence how they have considered its conclusions.
- The Public Sector Equality Duty (under the Equality Act) is to “have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services.” One way of having due regard is to

prepare and consider an EINA, but as the judge in this case demonstrated, decision makers have to demonstrate how they take into account this wide duty and not focus solely on the EINA.

What to do if your organisation is affected by a decision

If your organisation faces a similar situation – having your funding cut to services which will impact upon people protected under the Equality Act – there are things you can do.

- Check if there has been any consultation (either as part of an EINA or separately) on the impact of termination of funding.
- Ask whether an EINA was conducted.
- Get the minutes for meetings where the decision was made. These should document what evidence the decision makers were looking at and demonstrate how they have had due regard to the PSED
- Don't delay – remember that the time limit for bringing a judicial review is 'promptly, and in any case within 3 months of when the decision was made'.
- Get some help! If you are unsure of where you stand, are having difficulty obtaining information, or want to talk through the issues then contact our free advice service on evsAdvice@ncvo-vol.org.uk or call 020 7520 3161.

Personalisation – 'A Long and Winding Road'

Barbara Booton, EVS steering group member, freelance consultant

I am a Disabled person who has worked in the voluntary and community sector for many years as a freelance consultant and trainer, manager and volunteer for national organisations and local user-led groups. This article is from the perspective of my experiences both personally and professionally.

The legislation underpinning personalisation¹ has been introduced over a number of years and the current Government has indicated its commitment to continue with implementing this agenda in both health² and social care³. Most people I meet in the voluntary and community sector are aware of the term ‘Personalisation’ but in discussing what personalisation actually means for the sector, individuals or social care as a whole, few are able to give an informed answer.

This is not really surprising given the fact that the bodies trying to implement the agenda and those in receipt of care services are struggling at every level to come to terms with such a fundamental cultural change in a period of unprecedented cuts in funding. So where did it all come from, why are we doing it and what are the key issues?

Rights and responsibilities

It is years of campaigning by the Independent Living Movement, carers and older peoples organisations that has driven the need to transform care services, pushing for the ‘right to choose’ in service provision. It is the individual who should be at the centre of deciding what support they need and who and how it should be provided.

But this principle of individuals self-directing their support challenges fundamentally the traditional provision of social care. The reality for those individuals qualifying for funded social care has been to have to accept whatever services a social worker assesses the individual needs. This is all too often from an extremely limited number of services provided by permanently under-resourced social services departments. These services were either provided directly by the local authority or purchased through block contracts from private or voluntary sector organisations.

The result is that disabled and older people and carers have often had to put up with an inflexible, basic level of support, leading life separated from

¹ ‘Putting People First’ DH (2007), ‘Improving Life Chances of Disabled People’ Prime Ministers Strategy Unit (2005), ‘Our Health, Our Care Our Say’ DH (2006)

² ‘Equity and Excellence – Liberating the NHS’ DH (July 2010)

³ ‘A Vision for Adult Social Care’ DH (Nov. 2010)

mainstream society, denied the dignity, choices and experiences most people would take for granted and indeed see as their right to have.

Decades of provision of this traditional model of social care I believe has left a damaging legacy for both providers and service users which is proving extremely difficult to change and is undermining progress towards person-centred services:

- **Statutory services** have been designed to provide a ‘one size fits all’ service based on an assumption that they are the professionals, they have responsibility for those in need of care and support and so ‘they know best’ what is needed. Undertaking the monumental, root and branch change in values, culture and systems needed to move to a model in which it is the individual who is the expert on their own support needs is proving an almost impossible challenge.
- **Voluntary sector** social care providers are more accountable to their service users and generally try to be more responsive to their needs within the confines of their funding. But many have become used to the certainties of receiving block contracts, knowing in advance what services will be requested over a period of time. They need to tackle the challenges of diversifying their offer and overhauling their systems and procedures to make them more adaptable and sustainable.
- For **individuals** using social care services the legacy is even more damaging and potentially long lasting. If you have only ever been given green apples how do you know that you might like red apples or even passion fruit –or even know that they exist and you have a right to try them? As one young disabled man said to me “ if my Social Worker says that I need to go to a day centre once a week then that’s what I need to do”. Many Disabled people, carers and older people in particular feel grateful for whatever support is provided, have limited aspirations and are fearful of the responsibilities associated with having more control over the care resources allocated to them.

Making choices, Taking control

The experiences of people, like myself, who successfully manage their own support and care packages, backed up by emerging evidence⁴, demonstrates that given appropriate and comprehensive support almost anyone is able to self-direct their support package. When such support is provided the outcomes for individuals and their families are much more positive with benefits such as more independence, increased health and wellbeing and better quality of life. “Realising that I was now in charge of my life was like growing up all over again. I can now go where I like, when I like and do what I like” (disabled woman with high level support needs).

A key factor in the provision of effective support services is that they are user-led i.e. they are rooted in the direct experiences of individuals⁵. User-led organisations can provide a range of services, such as advocacy, training and advice to support people to manage their personal budget in a way that suits their needs and to be safe, responsible employers.

Fears about cuts and risk

There is considerable concern emerging that the current drastic cuts in spending are not only seriously threatening personalisation but also undermining basic human rights⁶.

Many councils grappling with reduced budgets have moved to raise the eligibility criteria for care services, limit individuals care packages and tighten charging policies. But the recent ruling against Birmingham City Council⁷ has demonstrated that they must undertake proper consultation processes and assess the impact of proposed changes on individual's rights to independent living.

Debates about safeguarding, risk and statutory responsibility are further threatening to undermine the principles of personalisation. I frequently hear

⁴ 'Increasing the Uptake of Direct Payments' CSIP (2007), 'Putting People First – working together with ULO's' DH (2009), NCIL website www.ncil.org.uk

⁵ Joint Protocol between NCIL and ADSS (2006), 'Good practice in support planning & brokerage' DH (2009)

⁶ 'Personalisation in the Reform of Adult Social care' EHRC (Feb. 2011)

⁷ Birmingham Adult Social Care case (May 2011)

real concerns from all sectors that individuals may misuse their budget or be left in vulnerable situations and of examples of Personal Assistants not having their employment rights respected. This is fostering a trend for some councils to increasingly tighten control over services offered to Personal Budget users.

Developing a collective voice within the voluntary sector to address these concerns by promoting the need for independent user-led support services has, in my experience, been a frustrating and difficult process. Lack of knowledge about Personalisation and its implications, loss of contracts and fear of change have all contributed. Local support and development organisations supporting front-line organisations have a clear role in providing information, advice and training to their members, supporting them to challenge local authority policies and decisions and to embed personalisation throughout their principles and working practices.⁸

Equal Partnership

Personalisation can, and does, offer people a greatly increased quality of life and can give service providers the opportunity to diversify and innovate. If we believe that in our society all individuals have the right to lead a meaningful, independent life with dignity, choice and control over how their support and care needs are met, the challenges outlined above need to be openly recognised and tackled with all those involved working together, as equal partners⁹.

Support from NAVCA

NAVCA provides a range of support to our members to help them engage with the personalisation agenda in their area. This includes training for development workers on personalisation and a personalisation healthcheck. This is a simple diagnostic tool, with accompanying guidance notes and an action plan, which can be used by local support and development

⁸ 'Understanding Personalisation – implications for Third sector and their work with front-line organisations' Chris Dayson, Sheffield Hallam University (2010)

⁹ 'Working Together for Change' DH (2009)

organisations to help local voluntary organisations:

- assess their readiness for personalisation
- help them identify areas of strength and weakness, new opportunities and development needs in relation to the personalisation agenda
- help produce a practical action plan to enable organisations to gear up for personalisation.

For further information about this support or for any other enquiries about personalisation from local support and development organisations, please contact Jon Burke, Development Adviser (Health and Social Care), NAVCA, Tel 0114 2893991 jon.burke@navca.org.uk

Legal challenge against Birmingham Council's adult social care cuts

Press release from [Irwin Mitchells Solicitors](#)

FOUR disabled residents from the West Midlands have won a landmark legal challenge against Birmingham City Council following a High Court ruling on the 19 May 2011 which stated that the local authority's plans to cut its adult social care budget were unlawful.

The case was brought by the families of four disabled adults from Birmingham who were told earlier this year by the Council that from 1 April 2011, any needs which were not considered 'critical' would no longer be paid for, leaving them concerned that many of their essential care and support needs would be unmet.

Handing down his full judgement today at the Royal Courts of Justice, Mr Justice Walker declared that both Birmingham City Council's budget setting and decision to change its eligibility policy, were unlawful on the grounds that they did not promote equality under Section 49A of the Disability Discrimination Act 1995 and their attempts at consultation were flawed.

Assessing whether the Council had complied with its legal duties here, Mr Justice Walker explained:

“The consultation had not involved any attempt to look at the practical detail of what the move to ‘critical only’ would entail.”

He added:

“There was no analysis of how and to what extent any mitigation measures would be effective in addressing adverse impacts. In particular, there was no consideration of the extent to which alternative resources in the community would be available for those with substantial needs, and no other steps to mitigate the impact on disabled people were identified.”

It was also held that the Council’s consultation process failed to meet legal requirements in a number of areas – particularly its lack of clarity in relation to which groups will be affected, and what the options for those people who will have their care package removed are.

Mr Justice Walker said that:

“Failure to comply with section 49A inevitably carries with it a conclusion that the consultation was inadequate. Just as the decision making process failed to address the right questions, the same is true of the consultation process.”

He added:

“In my view there remained considerable scope for confusion on the part of those to whom the consultation had been addressed.”

Polly Sweeney, Solicitor at the Birmingham office of Irwin Mitchell who acted on behalf of one of the claimants, a 65 year old lady with severe learning disabilities, said

“The judge described the move to a critical-only policy as ‘potentially devastating’ and found that, both when setting its budget and changing its eligibility policy, the Council had failed to give proper consideration to the impact on disabled people, and failed to undertake adequate consultation on its proposals.”

Ms Sweeney added:

“This is a hugely important victory not just for the four individuals involved in this case, but also for the thousands of other people affected across Birmingham. These people and their families rely heavily on this care and it would have represented a huge backward step if the funding was removed. This case has national significance too. Birmingham City Council is the UK’s largest local authority and it’s very likely that this outcome will set a precedent for other cases in other parts of the UK where Councils may be targeting vulnerable groups through cost-cutting drives.”

Birmingham City Council launched the consultation exercise into its eligibility policy as part of city-wide plans aimed at reducing the amount of money it spends on adult social care. In the first year alone, the Council aims to realise immediate savings of £51m. The consultation ended on 2 March 2011 and the plans were approved by the Council at two separate meetings on 1 and 14 March 2011. It was thought that up to 5,000 disabled people in Birmingham would have been denied all or parts of their front line social care packages currently provided by the Council under the plans.

The successful application for a judicial review means Birmingham City Council will be forced to make a new decision. It is open to the Council now to retake its decision and continue providing services for those with ‘critical’ and ‘substantial’ needs in the meantime. The council will need to find the funds within their budget to continue to fund for the ‘substantial’ care needs of disabled and older people.

Compact at the heart of new Best Value Guidance

Daniel Fluskey, Compact Advocacy Team

A recent consultation exercise by the Department of Communities and Local Government on [guidance on best value](#) that all local authorities should take

into account when working with the voluntary sector has recently been completed. The proposed guidance on how authorities can achieve 'Best Value' puts Compact principles on a statutory footing for the first time. NAVCA has published a [response to this consultation](#) in conjunction with ACEVO and NCVO.

In a speech at NCVO's Annual Conference in March this year Eric Pickles, Secretary of State for Communities and Local Government, set out what he saw as 'reasonable expectations' in the way that local authorities should conduct themselves. This formed the basis of the proposed Best Value guidance which says that:

“Authorities should be sensitive to the benefits and needs of voluntary and community sector organisations (honouring the commitments set out in local Compacts)”.

Compacts agreed locally between the statutory and voluntary sectors may say different things and contain different undertakings, but this statement should provide reassurance for all. Compacts aren't just a list of vague intentions to be used as and when convenient. They are commitments agreed locally that should always be followed – especially in tougher times when financial decisions have a big impact on the sector. It's positive that central government has recognised the problems and difficulties that voluntary sector organisations encounter when local authorities make decisions which don't follow their local Compact.

The proposed guidance is deliberately short and concise, aiming to give local authorities discretion and flexibility in how they achieve best value. It does however also include some specific points about how local authorities should act with regard to voluntary sector organisations including: giving three months' notice of an intention to reduce or end funding; engage the organisation as early as possible on the future of the service; and should make provision for the organisation to put forward options on how to reshape the service.

Following the end of the consultation process, the Best Value Guidance is expected to come into force in the summer.

London Councils judicial review: cuts to £26.4m grants budget

Louise Whitfield, Pierce Glynn Solicitors

This unusual case went to a full judicial review hearing at the end of January 2011. Preliminary recommendations have been made and therefore some assessment of the effects on the ground – as well as the result of the case itself – can be outlined here.

Factual background

London Councils is an umbrella body made up of the 33 London boroughs; they run a grants scheme which had a budget of about £26.4m for the year 2010-11. This was specifically geared towards pan-London services that would provide specialist provision that might not be funded at a local level, and also to commission London-wide second tier and voice work. Funding was generally for a four-year period, allowing stability and effective planning for the 300+ projects that received grants.

In late 2009 / early 2010, a review was already under way to look at how the scheme worked and whether its priorities and commissioning approach should change. 2010 brought the likelihood of severe cuts to local authority grants from central government. The politicians that make up London Councils' decision and policy making bodies (a Leaders' Committee and Grants Committee) also changed following the May 2010 elections. All these factors led to a more radical review in mid-2010 and proposals to make very significant cuts to the grants scheme budget: figures of up to 80% cuts were being discussed.

In September 2010, London Councils launched a consultation on its proposal to reform how they made their grants. This included categorising projects as

A (pan-London), B (sub-regional) and C (local): those that were in A would keep their funding; those in B and C would lose it (even if this would bring their four-year funding agreement to an early end). Each project had a preliminary categorisation, according to the service head under which they were funded. For example, my clients used a service run by the Roma Support Group (RSG) under service 19, to improve the educational attainment of disadvantaged children. Five other projects were funded under this service head, and so they were all categorised as “local”, i.e. they could be commissioned locally. No explanation was given for the specific categorisations, nor was there any scope for a particular project to say they should be treated differently from the overall categorisation of the service head they fell under.

RSG knew from experience that they wouldn't be funded by individual boroughs on a local level; their funding would be cut short by more than 18 months; there were no other services for Roma children in London: the impact of the proposals was devastating. They also didn't know why they were in category C, nor why they were no longer a priority when they had been as recently as the 2009-10 review. There was no appeals process available and when pressed, London Councils was very unclear as to how it would meet its equality duties when taking these decisions to cut funding to a very large number of groups working with 1000's of people protected by the equalities legislation.

Part of the problem was that the “consultation” exercise was trying to do two things: firstly to consult with the sector about the proposals and secondly to get projects to make representations about why they (or rather the service head they came under) should be in a particular category and their funding should continue. The latter was very problematic as groups hadn't been given clear definitions of the categories, or an explanation as to why they were in them.

Legal advice and the court case

When I was approached for help, I advised RSG's service-users that I thought London Councils was acting unlawfully in two ways¹⁰: firstly, their "consultation" exercise was flawed in that it failed to give groups a fair hearing on the proposed cuts to their funding; secondly, they appeared to be in breach of the equality duties as they had no adequate mechanism to assess the adverse impact on race, gender and disability equality of either their overall scheme (to put groups in categories, and stop funding B/C projects) or the individual decisions in respect of specific projects.

Proceedings were issued in November 2010, as it was clear that London Councils were acting unlawfully even though no final decisions had been taken; also, as the consultation unfolded new criteria emerged adding to groups' concerns about the fairness of the process. Time was running out as decisions had to be taken by London Councils in mid-December to fit their timetable for setting the budget for the coming year. The court case had to accommodate the decisions that were taken during the life of the case, but it still had to be heard urgently. The final hearing took place on 27 January 2011 with judgment being given the following day, with a final order being made on 1 February 2011¹¹.

What the judge thought

The judge was not convinced by the consultation points. He thought that groups had had enough information to make representations and that London Councils were allowed to change their criteria as the process evolved.

However, the judge was very concerned about the approach to the equality duties on the following basis. There was no way in which a particular project could be taken out of its service head category (for example RSG's service 19, categorised as "local") to allow London Councils to meet its equality

¹⁰ There were a number of other arguments, but this is the gist of the main points raised by the claimants in the judicial review.

¹¹ Copies of the two judgments are available at www.pierceglynn.co.uk: scroll down the "latest news" pages to find the links.

duties properly; the point was that even if the funder spotted an adverse impact on race equality because services would stop for Roma children, it couldn't then treat them differently to the rest of service 19 as the categorisation was based on the service head and not the individual project.

On this basis, the court held that London Councils had breached their equality duties and quashed the decisions relating to the funding cuts to all the projects¹². London Councils has had to re-run its process as a result, and with mixed success for the sector.

New process

There has been a new consultation, but the goal posts have been moved again so that different criteria appear to apply and have not been used consistently in providing a preliminary categorisation for each project. Groups are still not given any explanation of why they are categorised in a certain way and there is no appeals process. Many groups that were in the A category before have been moved out, but they do not understand why; many groups have been moved into the category of groups that will now keep their funding, so there are lots of "winners" but many losers as well.

Lessons learned

All the groups I have spoken to, including the sector umbrella and network bodies, think the claim was worth bringing. It made it clear that a funder needed to take its equality duties seriously even when it was very short on funds¹³, and that a decision that was unlawful for one group, was unlawful for all those within the same funding scheme. In terms of legal advice, it reinforced the message that you have to get advice early and that you must engage with consultation processes even if you think they are flawed and

¹² The reduced budget that had been set was not quashed, but London Councils confirmed they would find more money if they needed to as a result of the new process. The judge also didn't quash the decisions setting the principles and priorities for the future scheme.

¹³ One of London Councils' main arguments was that they simply didn't have the money to keep the grants scheme as it was.

unfair. Two voluntary sector networks¹⁴ helped the case considerably by asking London Councils difficult questions and continually pressing for documents to find out what was going on. They helped to hold the public body to account and kept good records of how they did this as the consultation exercise unfolded. The judgment has also already been relied on by other claimants to make the same arguments in their cases about cuts to services.

It is still too early to say how much extra money has been found as a result of the proceedings but current estimates suggest this will be in the region of £2,000,000.

Consultation, what to look for...

Diane Astin, Director, Public Law Project

The duty to consult – the basics

Readers may be aware of a number of recent court cases in which public bodies' decisions, including decisions to cut funding, were held to be unlawful because of a failure to consult or because of an inadequate consultation. There have also been a number of cases where a duty to consult was argued but which have failed. A further article will appear in the next newsletter summarising the recent cases. Here we consider the basic principles:

1. When does a public body have to consult before making a decision?
2. Who has to be consulted?
3. What are the requirements of a proper consultation?
4. What if they get it wrong?

When does a public body have to consult before making a decision?

Statutory duty to consult

Sometimes there is a statutory duty to consult before making a decision. For example, employers must consult with employees when considering redundancies. In such a case the statute will set out who must be consulted

¹⁴ Women's Resource Centre & Voluntary Sector Forum.

and the time scales. The way the consultation is carried out must still comply with the principles below which are all about fairness.

Established practice or previous promise / legitimate expectation

A duty to consult may also arise in the following circumstances:

- The public body has previously consulted about similar decisions.
- The public body has promised to consult or has a policy that it will consult in certain circumstances.
- Individuals or groups have a “legitimate expectation” that they will continue to enjoy some benefit so that it would be unfair to take away the benefit without giving them the chance to make representations.

Who has to be consulted?

Generally, those people who will be affected by a decision should be consulted. However, if a decision is going to affect a very large section of the public it will not be necessary for each person to be individually consulted and it can be enough to consult with representative groups.

The requirements of a proper consultation

The following principles apply to all consultations:

- Consultation must be undertaken at a time when proposals are still at a formative stage. Further, the decision maker must enter into the consultation process prepared to change course, if persuaded by the consultation to do so. Nevertheless, it is not unlawful to have a preference for a certain decision and to indicate that as part of the consultation.
- A consultation must include enough information to allow those being consulted to give intelligent consideration and make an intelligent response. This includes honest disclosure of the reasons for what is being proposed.
- Adequate time must be given for that purpose. This will vary depending on the context and any need for urgent action.
- The outcome of the consultation must be conscientiously taken into account when the ultimate decision is taken. However, this does not

mean there is a duty not to make a decision without a consensus of the consultees.

What if they get it wrong?

If the public body is consulting in a way that falls short of the basic requirements the consultation process itself may be challenged (rather than any decision based on the consultation). But usually it will be best to make representations within the consultation process. For example if insufficient information is being given it is best to point this out during the consultation rather than respond and complain about the deficiencies after the decision is confirmed.

The challenge would be by way of a claim for judicial review.

Don't forget that remedies in judicial review are discretionary. This means that the court could agree that there should have been consultation or that a consultation was inadequate but refuse to set aside the decision. The crucial issue is what is fair to the person challenging the decision, the public body and other groups or individuals affected by the decision.

A court may refuse to set aside a decision if the public body and other people have relied on the decision so that it would be unfair to them to set it aside.

This is why you must always act quickly and take advice as soon as you think you may want to challenge the consultation or the decision.

New engagement officers for Compact Voice team

Tom Elkins, Manager, Compact Voice

Compact Voice has recently expanded its team with the addition of two new Engagement Development Officers, who will be based outside of the London office and helping to provide training, support, and advice to local Compacts. Cath Cook will be working across the North West, North East and Yorkshire and Humber, and Vicky Redding will be working across the South West, East Midlands, and West Midlands. They can be reached at

cath.cook@compactvoice.org.uk and vicky.redding@compactvoice.org.uk - so if you are based within the regions and you have a question about your local Compact or the work of Compact Voice, please get in touch. Adam Pickering, based in the London office, will continue to provide advice and guidance on our overall engagement work and can be reached at adam.pickering@compactvoice.org.uk. For the most up-to-date information about the Compact, visit our website at www.compactvoice.org.uk, and sign up to our newsletter

Details of advice line & training courses

Many organisations are concerned that cuts to funding have been made disproportionately, without consultation or unfairly. The Empowering the Voluntary Sector project offers free advice to organisations who feel that a decision to cut their funding was made in a non Compact compliant way or has breached public law. Contact us on **020 7520 3161** or evsAdvice@ncvo-vol.org.uk for instant advice to your organisation, for direct support in challenging decisions or just to find out more about how we can help you.

The project is running workshops in the following areas:

- | | | | |
|----------------------|---------|----------------|----------------|
| • Mansfield CVS | 11.7.11 | • Leek | 4.10.11 |
| • Wirral CVS | 12.7.11 | • Kensington | 5.10.11 |
| • Truro | 3.8.11 | • Voscur | 11.10.11 |
| • Torbay | 8.9.11 | • Bracknell | 13.10.11 |
| • Redbridge | 22.9.11 | • GMCVO | 26 or 27.10.11 |
| • Learning Lincs | 21.9.11 | • Peterborough | 8.11.11 |
| • Croydon | 28.9.11 | • Maidstone | 10.11.11 |
| • Barton upon Humber | 29.9.11 | • Croydon | 16.11.11 |

To book your place on one of the workshops listed go to www.evsproject.org.uk and follow the link for the national training programme or email terry.perkins@navca.org.uk. If you wish to host a workshop, details can also be found on the same web page.