

Response to Ministry of Justice consultation on its Third Sector Strategy

Improving Policies and Securing Better Public Services through Effective Partnerships

Newham Asian Women's Project

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About Newham Asian Women's Project

Newham Asian Women's Project (NAWP) is a London-based charity, which was established in the mid-1980s to address issues of domestic violence within the South Asian community. We believe that our involvement in working with and supporting South Asian women and girls at a grassroots level for the past two decades has provided us with insight into their needs, specifically in the context of all forms of violence against women, sexual abuse and self-harm. Consequently, over the years our services have been strategically developed to provide a holistic approach to issues that affect our client base. Our support services include safe refuge housing, counselling programmes, youth projects and activities, mental health support, legal advice, education, training and career development.

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Overview of the Response

NAWP welcomes this opportunity to respond to the Ministry of Justice consultation on its Third Sector Strategy. We welcome the Ministry's decision to work with third sector organisations as key stakeholders in delivering its strategy. However, the strategy does not have any specific focus on how the Ministry will work with the BME third sector organisations, which have been overlooked in shaping the government's policy agenda.

Do you agree with the overall approach, and in particular setting an overarching Ministry of Justice Third Sector Strategy as the basis for more business specific planning?

Newham Asian Women's Project (NAWP) disagrees with the heavy emphasis placed on strengthening the role of the Criminal Justice System (CJS) in the strategy. This has meant that resources have been channelled into programs targeted at perpetrators and into criminal justice remedies. Under the proposed Third Sector Strategy the emphasis is again on the CJS, in the desire to build an effective partnership for addressing domestic violence. Crucial elements are missing from the proposed strategy, including (1) a comprehensive and holistic approach to addressing domestic violence, (2) a strategy for preventative action, and (3) a broader definition of and perspective on the concept of 'effective partnerships'.

Addressing the latter point, in the women's sector we have seen a gradual dwindling of investment in women's organisations that do not deliver on the outputs of the CJS. Early-intervention and prevention programmes and other services delivered to women who are fleeing domestic violence have faced reductions in funding, and some services have ceased to exist altogether. A Third Sector Strategy which fails to recognise the potential for effective partnerships within a more holistic framework for tackling the issue of violence against women is flawed. The overall approach suggested by the consultation document will not create a basis for business-specific planning for the third sector, but it will enable the Ministry of Justice to standardise a definition of working partnerships within the women's sector that is exclusive, does little to address the discourse of violence against women and denies women the crucial services they require. By comparison, under the Vulnerable Adult Policy a choice of provision is clearly outlined. However, the currently proposed strategy will result in fewer services for women that offer holistic and specialist provision.

With regard to the role of commissioners, although the eight commissioning principles are sound it is evident that there is no standard framework to assess the performance and conduct of commissioners, and so decisions will still tend to be made on an arbitrary basis. There is no monitoring framework suggested for commissioners, nor any outcome measurements that can identify indicators such as: (1) the percentage of effective partnerships established throughout the sector, (2) the percentage of effective partnerships that have been enabled and strengthened, and (3) the percentage of organisations adversely affected by reduced levels of financial support.

Do you have suggestions on how you can help with our approach?

An alternative approach would be to develop an effective partnership approach across several government ministries, with a very clear articulation at the local level. In adopting this approach, it would be crucial to involve the third sector in the definition and conceptualisation of the strategy. Furthermore, in cases where domestic violence is the issue, then those organisations that represent women should be consulted. This more holistic approach should be linked to the 'end violence against women' framework. In addition, analysis should be done of current partnerships, and of the impact of the lack of investment in the women's sector. This analysis will clearly show how local authorities have used existing partnership approaches to shift the focus away from women-only and specialist provision. The new approach must address these mistakes and identify the gaps that now exist as a result of failed third sector policies. The Ministry of Justice would not be the ideal ministry to undertake a Third Sector Strategy if it is done at the expense of a more comprehensive, sector-wide approach. Even though the specific recommendations in the current proposal are based on effective partnerships, the practice, if it is contained within the Ministry of Justice, will lead to exclusion.

Working with the BME sector

We would urge the Ministry to consider the complexity and diversity of the third sector in developing its strategy to ensure that all parts benefit equally. The expertise of BME sub-regional and regional networks and other infrastructure support organisations should be more effectively utilised by the Ministry. The Ministry should consider the growing dynamic nature of the BEM third sector, which is rich with BME organisations working on specific areas such as education, regeneration and employment, as well as those working on generic issues such as policy, research, campaigning and infrastructure support.

With any other partner organisation that the Ministry engages with, it should ensure that the selected organisations have demonstrated that they embrace principles of equality and that they have a track record of both involving and engaging with BME groups in their respective domains of work.

Voice and Campaigning – Enabling the Voices of Individuals and Groups to be Heard

A review of the principles to do with the Code of Practice on Consultation is welcome, as there are major weaknesses in the ways in which authorities undertake consultation. Consultation on the whole remains a 'box ticking' exercise. However, with regard to 'voice and campaigning', the following issues are of concern:

- a) There is lack of clarity about what specialist women's services are consulted for, and faith communities are often considered as

- b) Whilst ever a faith and voluntary sector alliance is assumed to exist, the women's sector must continue to be independent of the faith sector.
- c) The question of representation must ensure the independent voice of the women's sector, and the specialist sector within that, and this independence must be clearly articulated in terms of local consultation.

Inequality in Access to Legal Services

There is plethora of evidence that people from ethnic minority groups – and particularly women from those groups – have poor access to legal services. This is due to a variety of factors, including lack of material wealth, language difficulties and a lack of knowledge about rights and legal options. The links between race, ethnicity, gender and social class are key factors in the social exclusion of ethnic minority communities that can have a negative impact on access to legal services.

This draft strategy is not appropriately grounded for meeting the needs of BME communities and individuals. The value of BME third sector organisations in giving advice, guidance and support on how to access legal services has not been given sufficient attention, and it is likely that a shift towards more strategic investment and support for innovation, excellence and service development might place small mainstream and BME third sector providers at a competitive disadvantage.

Strengthening Communities

The practical reality is that the local area agreements have not led to effective partnerships, but have essentially excluded key organisations which have been working with women; specialist organisations have been particularly targeted. The LAA is not an adequate framework for influencing government priorities. As mentioned above, the third sector approach must be more comprehensive, and there is a need for clear principles of representative consultation, and for partnerships that work directly with the specialist sector under a violence against women framework.

Transforming Public Services and Social Enterprise

There have been major concerns with regard to commissioning, and in the women's sector there has been a direct correlation between the commissioning of services and reductions in investment. The current commissioning approaches have failed, and are not supported by NAWP. The evidence for commissioning as a way of building effective partnerships is weak and is often overstated by local authorities; again, this has led to

reduced investment. Other vaunted aspects of the so-called 'transformation', such as inclusion and capacity-building, have not occurred. Instead, the experience has led to exclusion from the women's sector, and to specialist provision becoming undermined and under-resourced. Any strategy based on current practices should not be pursued; furthermore, at least in terms of voice and campaigning, the women's sector has already said that these approaches do not work.

Conclusions

In evaluating the implementation of The Gershon Review (2004) and assessing its impact, it is clear that there have been major failures in the attempts to build a strong, long-lasting third sector. The evidence base and the campaigning voices of the women's sector have all demonstrated that the engagement with women's organisations has been ineffective, and that most organisations have experienced the failings of the partnership approach. Many women's organisations have had to shut down as a consequence. It is imperative that any government approach designed to take third sector development forward actually takes account of the evidence gathered by women's organisations and campaigns, such as Why Women, and adopts appropriate methods to ensure a true engagement with and the involvement and inclusion of women. The proposed framework for the third sector is unfortunately nothing new, and it is alarming that the evidence collected to date by women has not been considered in the preparation of this document.

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