

March 2017



CLINKS  
RESPONSE

# Clinks response to the Lords Select Committee on charity sector sustainability

Submitted September 2016

## About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations, including charities and social enterprises, working with offenders and their families. Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of offenders and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 500 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts. These include individuals and agencies with an interest in the Criminal Justice System and the role of the voluntary sector in the resettlement and rehabilitation of offenders.

## About this response

This response is submitted by Clinks on behalf of our members and contacts in the voluntary sector. Evidence provided is the result of direct consultation with, and surveys of, our membership and other voluntary organisations in the Criminal Justice System. The primary sources of evidence that are called upon in this response are Clinks' *State of the Sector* reports,<sup>1</sup> our in depth work on the impact of recent changes to probation and our other responses to relevant government consultations and calls for evidence.<sup>2,3</sup>

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supporting voluntary organisations that  
work with offenders and their families

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### Executive summary

Throughout this submission we highlight several issues and recommendations based on existing research and consultation with the voluntary sector, summarised below.

1. **Recognising the diversity of the sector** – organisations range from very small to very large and have a range of specialisms that often require a different response when considering their sustainability.
2. **Value of volunteering** – volunteers are a central part of the voluntary sector and should be nurtured and supported.
3. **Better strategic involvement of the voluntary sector** – the Government, at a local and national level, needs to take a strategic view of voluntary sector engagement and consider how it can nurture local and national organisations.
4. **Support for grants and a better approach to commissioning** – grants are a better way to flexibly fund innovation and smaller organisations, but commissioning, where it is required, can be improved to make it more accessible and voluntary sector friendly.
5. **Tackling multiple needs through better collaboration and co-operation between sectors** – the sustainability of the voluntary sector is vital in supporting people in our prisons and under probation who have multiple needs. These individuals benefit from dynamic solutions that can't be delivered by one organisation and require the expertise of voluntary organisations.
6. **Support for small and specialist voluntary sector organisations** – many smaller organisations have fared poorly due to recent changes to commissioning and procurement practices. These need to be re-assessed and changed to support smaller organisations.
7. **Supporting people with lived experience to take up leadership roles** – listening to people with lived experience, acting on their advice and allowing them to take leadership roles in voluntary organisations is an important way to improve services. We must be careful that new powers under the Charities Act 2016 do not undermine this.
8. **Share good practice through infrastructure** – local and national government should work with organisations like Clinks to engage the voluntary sector with government strategy to support its sustainability.
9. **A local and central government commitment to work with the voluntary sector** – a commitment that enables the voluntary sector to be integral to local and central government decision making and support better outcomes for disadvantaged people in our society.

## **The purpose of charities**

### **What is the role and purpose of charities in civic society in England and Wales?**

The voluntary sector, working alongside people in the Criminal Justice System and their families, aims to support rehabilitation, resettlement and ultimately desistance from crime. The voluntary sector is formed of a wide variety of organisations with different visions, missions and activities. There are an estimated 1,750 voluntary organisations whose primary beneficiary group is people in the justice system and/or their families. A further 4,916 voluntary organisations report that criminal justice is one of their areas of work.<sup>4</sup>

The voluntary sector working in criminal justice includes small, unstaffed community groups and large national organisations that employ hundreds of people. Within this diverse group are campaigning organisations, self-help groups and service providers. Between them they provide a wide range of services, including mental health, housing, financial advice, drug and alcohol rehabilitation, women specific services, services to tackle racism and discrimination, arts projects, mentoring and befriending to name just a few.

What these organisations have in common is a commitment to rehabilitation for the benefit of the individuals they support, their families and society as a whole. At its best, the sector and its staff are inspiring in their creativity, dedication and determination to make a difference.

The sector plays a unique and valuable role in the Criminal Justice System. Through its local services it often engages with some of the most excluded communities and those suffering multiple disadvantages – those who mainstream services fail to reach. The sector champions the people they work on behalf of, speaking out for those who often have little say in how services are developed or delivered. They support people going through the justice system in a non-judgemental way, focussing on the individual's circumstances and aspirations in order to provide services based on the needs of beneficiaries.

### **How has this changed?**

The majority of voluntary organisations working in this sector are small. Research conducted by NCVO into the shape and size of the voluntary sector, and compiled into the *UK Civil Society Almanac*, suggests that of the 160,045 charities registered in the UK, just over 83% are micro or small organisations with an income of £100,000 or less.<sup>5</sup> Clinks' 2016 state of the sector report found that 81% of respondents had an income of less than £1 million per annum.<sup>6</sup>

### **What makes them distinct from other organisations doing similar work?**

There is a great amount of distinction within the sector as to what organisations do and how they do it. However, there are some features that unite it and make it stand apart from many other sectors. The sector is not for profit, focussed on providing services to those that need it. Most organisations in the sector are locally based and have grown out of concern for local people, or the absence of services to meet an identified need. Many voluntary organisations attract, involve, train and supervise a significant number of volunteers from the local community to support marginalised and disadvantaged people. Clinks' 2016 state of the sector survey showed that 94% of the contributing organisations involved volunteers, with 40% recruiting more volunteers in the last year. We found that on average, for every one member of staff, organisations involve 1.5 volunteers.



The voluntary sector often provides specialist support by developing expertise in a given field that is rarely possessed by other large public and private sector organisations. In the justice sphere this can include expertise on working with care leavers, Black, Asian and minority ethnic communities, women, young people, people with multiple needs, specialist family support for people in prison, supporting foreign nationals in prison, specific support for sex offenders, specialist accommodation providers, mental health providers, drug and alcohol support and more. This level of expertise supports the success of many more mainstream services in the justice system.

The independence of voluntary organisations allows them to provide services that are wholly focussed on the beneficiaries and the communities that they support. This often leads to services that work alongside individuals to support them to meet their own aspirations, giving them a strong voice in how services are designed and delivered.

### **What role can charities play in community cohesion and civic action?**

The voluntary sector has pioneered volunteering and service user involvement in the justice system, both of which support civil action and community cohesion. Clinks recently partnered with Revolving Doors Agency to utilise the expertise of the voluntary sector in service user involvement to create a guide advising others how to do it. We also published a summary of good practice from voluntary organisations working to set up prisoner councils, support prisoner engagement in health services, improve mental health liaison and diversion schemes and supporting women and older people in the justice system.<sup>7,8</sup> This level of engagement and involvement of people with lived experience can dramatically increase the civic action of people in prison and those on probation. It also has the potential to shape better services and improve outcomes for individuals and communities.

The arts can also play a critical role in representing the difficulties faced by marginalised individuals and communities, using mediums such as music, drama, the written word and visual arts to provoke public debate and educate people about closed settings such as prisons. The National Criminal Justice Arts Alliance, the leading national network supporting the arts in criminal justice, is hosted by Clinks and brings together 800 Alliance members that deliver creative interventions to support people in prison, on probation and in the community, with impressive results.<sup>9</sup>

### **How does the sector benefit from volunteering?**

The Criminal Justice System benefits greatly from the involvement of volunteers through local and national voluntary sector organisations. The voluntary sector also benefits from the added capacity that volunteers provide. However, they do need to invest human resource and finance to recruit, train, manage and supervise volunteers. This is a major undertaking for voluntary organisations that are committed to involving volunteers.

Clinks recently undertook two significant projects to explore the involvement of volunteers in the justice system. The Ministry of Justice commissioned Clinks to assess the current state of volunteering in prisons and to make recommendations on how it could be improved.<sup>10</sup> Clinks also led and published a European study on the role and value of volunteers in the Criminal Justice System. This study reported on the vast contribution from volunteers in the Criminal Justice System across England and Wales, Germany, Portugal, The Netherlands, Romania, Hungary and Italy.<sup>11</sup> Our research has shown that, even in a closed environment like a prison, volunteering has numerous benefits.



These include better representation of the local community, space for innovation, bringing a personal touch to services, increasing the morale of public sector staff, freeing up public sector staff to focus on their jobs and allowing for greater flexibility in how services are delivered.

### How has the status of volunteers changed?

Clinks' research has shown that volunteering remains a vital and consistently used method of delivering services in the voluntary sector. However, it is often difficult to resource properly and sometimes it is under-valued in strategies to deliver public services. Our study of volunteers in prison showed that simple solutions, such as the introduction of volunteering strategies, easier to understand vetting practices and more flexibility in prisons as to when volunteers can gain access to the prison, is highly likely to increase volunteer involvement.

One aspect of volunteering that should be a focal point is the diversity of volunteers. After surveying 627 volunteers in prison we found that 93% were white and 46% were over 65, with 61% saying that they are retired and volunteer in their spare time. This apparently low level of diversity amongst volunteers in prison is a concern.

In our studies, we have not found any instances where volunteers have been used to replace paid staff. Clinks does recognise that this remains a concern and requires careful management to ensure that volunteers are not asked to perform tasks that would otherwise be the responsibility of paid staff. It is also worth noting that there are some instances when the work needs to be done by unpaid volunteers to maintain the credibility and approach of a service. For example, peer support services such as the Samaritans' Listeners scheme that aims to reduce the number of self-inflicted deaths and suicides amongst prisoners<sup>12</sup> and approaches such as Circles of Support and Accountability<sup>13</sup> which recruits volunteers from the community to support the resettlement of sex offenders.

### What challenges do charities face in trying to fulfil their role in civic society?

There are a number of challenges faced by the voluntary sector in criminal justice. These include:

- A rapidly changing government agenda and the fast pace of change, such as the changes to probation services under the last government, which don't appear to have provided much opportunity for the majority of the voluntary sector. In addition, there have been recent announcements about changes to the prison estate, with possible changes to the youth justice system being considered by the Ministry of Justice.
- The funding environment is challenging for many, including the proliferation of commissioning and contracting over large geographical areas and bunching together a number of services into one contract. This, combined with the decline in available grant funding and the short-term nature of many grants, has caused complications for small organisations; specifically they have had to divert a significant amount of time and resource away from front line services on to bidding for contractual opportunities. This is further compounded by voluntary organisations using their reserves in an unsustainable way to support contracts that do not offer full cost recovery and a lack of available unrestricted funding that is needed to support flexibility, back office and managerial functions.
- An environment of reduced budgets both locally and nationally has impacted on the ability of organisations to be sustainable.
- Organisations have reported to Clinks that service users are presenting with multiple needs and becoming more complex to support.

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- We have also heard from many specialist services that meet the different needs of people who have protected characteristics under the Equality Act (2010) and are struggling to maintain their place in the market with the rise of more generic services and the loss of specialisms. We have heard this from some women specific organisations attempting to deliver specialist services alongside new probation services and from organisations that are struggling to be involved in delivering specific services for people from Black, Asian and minority ethnic communities in the justice system.<sup>14,15</sup>

### How can these challenges be overcome?

The voluntary sector has always shown itself to be incredibly resilient and adaptable in times of change and challenge. However, there are actions that can be taken to place it on a stronger footing and to increase its sustainability in the longer term.

The voluntary sector in criminal justice should be a key strategic ally for the development of government strategy and the design, as well as delivery, of public services with the aim of improving outcomes for people in the Criminal Justice System, their families and the communities in which they live. This should include open consultation and engagement at a local and national level with clear transparency as to how different levels of government involve the expertise of the voluntary sector. Clinks recently published a paper outlining how this could be achieved in the recently announced reform prisons.<sup>16</sup>

The challenges faced by organisations in the commissioning landscape are addressed later in this submission. In addition to this submission, Clinks has worked alongside Lloyds Bank Foundation and others to make a separate submission on the issue of involving small to medium sized organisations in the commissioning of services. Clinks are a member of the Directory of Social Change led Grants For Good Campaign, and advocate for the reversal in the rapid decline in grant funding from local and national government to the voluntary sector.<sup>17</sup>

Although it will not alleviate all the pressures on local budget constraints, collaboration with the voluntary sector about funding for necessary services must happen in an open and honest way to assess what the gaps are in public services and how these can be addressed through other means of funding. Any approach of this nature must include pro-active engagement with institutions such as the Association of Charitable Funders and individual charitable trusts and foundations.<sup>18</sup>

Clinks is one of the founding members of the Making Every Adult Matter (MEAM) coalition, which alongside Homeless Link and Mind, calls for an improved approach to people with multiple needs.<sup>19</sup> The voluntary sector can and does play a vital partnership role in providing more effective coordinated services that empower people to address their homelessness, addiction, mental ill health and contact with the Criminal Justice System. We believe that effective support for our most disadvantaged citizens can only be achieved through co-operation and joint working between all sectors and with the voice of the service users at the heart of service design and delivery.<sup>20</sup>

Clinks believes that specialist organisations that support minority and disadvantaged groups within the justice system are critical to improving services for some of the most marginalised people in our justice system. We are hopeful that David Lammy MP's review into racial bias in the Criminal Justice System will lay out clear recommendations for change. Clinks also supports and continues to lobby for the adoption of recommendations made by Baroness Young of Hornsey's independent review into improving outcomes for young





Black and/or Muslim men in the justice system. Specifically, the Young Review called for the better involvement of community groups and charities to tackle the huge and growing over-representation of these people within our prisons and in our probation services.

## Pressures and opportunities

### What are the main pressures faced by charities currently and what impact have these had?

Charities supporting people in the Criminal Justice System have been facing pressure to engage with a range of new commissioners at short notice. This includes the introduction of Police and Crime Commissioners and replacing Probation Trusts with Community Rehabilitation Companies (CRCs) and the National Probation Service (NPS). Over the last two years, Clinks has partnered with the National Council for Voluntary Organisations (NCVO) and Birmingham University's Third Sector Research Centre (TSRC) to track the impact of changes made to probation services under the Transforming Rehabilitation reforms.<sup>21</sup>

The Transforming Rehabilitation programme was marketed to the voluntary sector as an opportunity for them to become more involved in the delivery of public services and improve outcomes for people under probation supervision. Despite pressure to become involved and a Ministry of Justice statement that, "75% of the 300 subcontractors named in the successful bids are voluntary sector or mutual organisations", we have seen very little evidence of widespread voluntary sector engagement.<sup>22</sup>

Of the 155 organisations surveyed in our most recent report on Transforming Rehabilitation, only a quarter had been funded by CRCs and/or the NPS. The organisations that did get funding are disproportionately larger, with an income of over £5 million per annum. The majority of those with an income of under £5 million have struggled to be involved. However, most of these charities still take referrals from CRCs, the NPS and prisons, meaning that whilst they aren't funded by these organisations they still provide services that benefit the public. Worryingly only 1 in 6 (17%) of organisations that had no contracts with CRCs or the NPS believed their funding to be sustainable. 58% stated that they considered themselves to be unsustainable.

Despite great efforts to be involved, it appears that many smaller organisations are unable to engage in these large commissioning and procurement exercises. This is of particular concern in a criminal justice setting, as we know that public giving (through donations) to charities supporting people in the justice system only contributes a very small portion of their income. In our 2015 state of the sector survey we found that on average, organisations only receive 1.25% of their funding through public giving.<sup>23</sup>

### What opportunities do charities have in the current environment?

In times of great change, such as that which we have experienced in the Criminal Justice System, it is possible to change services for the better and to find more creative ways to engage the voluntary sector.

In a probation context, Clinks has made recommendations through its most recent report *Change and challenge: the voluntary sector's experience of Transforming Rehabilitation*. We believe that, if these recommendations were implemented, it would significantly improve the engagement of the voluntary sector and provide opportunities.



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Clinks has also made recommendations about how Police and Crime Commissioners could better engage with their local voluntary sector through our Home Office funded Safer Future Communities project and through more recent guidance produced around the 2016 elections.<sup>24,25</sup>

In recently proposed reforms around increased devolution of autonomy to prison governors, there are potential opportunities to involve the voluntary sector in a more coordinated way. The National Offender Management Service has supported the engagement of the voluntary sector in six early adopter prisons through a £1.7 million grants programme for voluntary organisations to bid for. This is a positive early move and Clinks would recommend an increase in grants programmes of this nature to encourage innovation and better collaboration between sectors.

### **Are there specific pressures affecting particular types of charity that you can highlight?**

*For example, service delivery charities, charities reliant on fundraising income; charities with a rural focus, smaller or larger charities, or charities promoting a particular cause.*

As highlighted above in our submission, there are clearly some significant challenges for smaller organisations in the current climate. We have also outlined how this can impact on equalities organisations, such as women specific services and those tackling racial bias in the Criminal Justice System. Clinks would recommend that specific attention be paid to different parts of the voluntary sector, both in terms of income and specialisms, as the issues that affect them tend to be very different. This would require an approach that differentiated the support needs of the sector and acted appropriately.

## **Innovation**

### **How do charities seek to innovate?**

Within criminal justice, the voluntary sector has been an active contributor to new approaches throughout its existence. The creation of a probation service over 100 years ago was as a result of charitable activities carried out by the church. Today we see this innovation continue. The establishment of women specific services, the development of family services in prisons and the prison visitor centres, the involvement of the arts in rehabilitation services, the development of restorative justice approaches, mentoring and befriending, service user involvement and peer-led services, volunteering, resettlement accommodation services and much more has been achieved through the voluntary sector's engagement with the Criminal Justice System.

We have also seen significant collaborations between charities to affect change, such as the Transitions to Adulthood (T2A) Alliance that has been building evidence of how to better support young adults, defined as 18-25 years old, as a specific group in the Criminal Justice System, funding pilot projects, commissioning research and producing guidance.<sup>26</sup>

### **What more could be done to promote innovation, and by whom?**

There is a clear role for all partners in the Criminal Justice System to be thinking about innovative approaches to complex issues, such as how someone desists from crime and does not re-offend.

To spur on innovation the Government could provide central grant funding, or devolved to relevant local government and/or institutions, to test new approaches and welcome the voluntary sector in to trial wholly new services, or to explore the potential for improvement of existing practices.





In order to achieve this we recommend that any grants programme is co-designed with the voluntary sector in an open and transparent way. Liaison with infrastructure organisations such as Clinks and others can support the voluntary sector's involvement in these processes.

We also recommend that any innovation funding allows for effective evaluation and impact assessment to assess learning from the approach and whether or not it has been successful. This learning should be widely shared to minimise the duplication of effort.

### **What barriers are there to being innovative?**

Often quite ridged commissioning processes, with tightly prescribed service specifications, can halt innovation. A decline in more flexible grant funding in favour of large contract package areas has made innovation difficult for some organisations.

The need to evidence the effectiveness of services before many commissioners will consider them also puts a barrier in place of innovation. Especially when these services are structured in a payment by result framework.

## **Governance and leadership**

### **What skills are required to lead and manage a charity? What role should trustees play in the performance and effectiveness of a charity?**

Many voluntary sector organisations in criminal justice have been developed and led by people with lived experience of the justice system, either personally or as a family member. This ethos drives a desire to have people in leadership roles that understand what it is like to be in the system and how to navigate your way out of it.

For that reason Clinks and others, such as Unlock and the Prison Reform Trust, have raised concerns about the recent Charities (Protection and Social Investment) Act 2016.<sup>27</sup> The Act gives the Charity Commission "a power to disqualify individuals from acting as trustees. While a person is disqualified under this power they are also disqualified from holding senior management positions in the charity or charities concerned". This disqualification can relate to the previous convictions of either a serving and potential trustee or senior manager in a charity. Full details of the consultation documentation can be found on the Charity Commission website.<sup>28</sup>

Clinks has submitted evidence to the Charity Commission's consultation on the power to disqualify from acting as a trustee.<sup>29</sup> We are working closely with the Charity Commission to try and curtail any damage to the prospects of people with previous convictions becoming trustees and/or senior managers in charities, but this issue remains of considerable concern.



## **Resource management**

### **What are the current challenges to financial sustainability, as well as efficient resource and risk management for the sector?**

Clinks' 2016 State of the sector report showed that the voluntary sector is supporting its existing services from charitable reserves at a rate that is unsustainable. Clinks found that 69% of organisations surveyed reported they would use all of their reserves in a year or less if they continue using them at current levels. When analysing this data by size of organisation, we found that this was particularly the case for small organisations (89%).

Our State of the sector survey shows that, in 2014/15, the sector had a mixed funding portfolio, with 43% of organisations receiving 50-100% of their income from grant funding and 32% receiving this proportion of their funding through contracts. A similar proportion of organisations, 32%, report they are receiving no funding from contracts for this financial year.

It is clear that organisations are spending more time on fundraising to increase their sustainability. 100% of organisations replying to our survey report they have been spending more time on fundraising. This was also reported to be impacting on the time many organisations can spend delivering services to the vulnerable people they are set up to support.

### **How can these challenges be overcome? How can best practice and information be shared across the sector?**

Clinks has made recommendations in our research report, *More than a Provider*, on how commissioning practices could be improved to support the voluntary sector in order to better support financial sustainability.<sup>30</sup>

Best practice could be shared through voluntary sector infrastructure bodies, such as Clinks and others, to inform a range of public, voluntary and private sector partners. Good practice should also be promoted and applied by central and local government.

### **How can charities effectively deliver services and be assured that their work achieves successful outcomes?**

In 2013-14, in order to support better outcome measurement and impact assessment, Clinks partnered with New Philanthropy Capital to produce a set of guidance for the voluntary sector on measuring their success or understanding their failures.<sup>31</sup> This included guidance on developing an evaluation strategy, the practicalities of research, existing evidence and testing shared measurement tools. We recommend that tools like these and others developed by the sector should be considered when evaluating services. We also recommend that charities be supported to meet reasonable standards of rigor in their research and evaluation, so long as it can be resourced and is proportional to the amount of investment in services.

The Justice Data Lab, created by the Ministry of Justice and promoted by New Philanthropy Capital, has also seen a shift in how organisations can assess their impact on reducing re-offending measures.<sup>32</sup> Whilst this tool is useful, it does require a relatively high volume of service users to assess whether changes in re-offending rates have been statistically significant. This can put smaller organisations at a disadvantage.

## The role of the Government

### What should the role of Government be with the sector?

The relationship between government and the voluntary sector should be one of co-operation on broad goals, such as the rehabilitation and resettlement of people in the Criminal Justice System. But it should also find ways to engage on an equal footing with specialist organisations that deliver specific services for people with protected characteristics and other groups of specific interest.

Clinks recommends that government, at both a national and local level, should develop clear strategies that support and nurture the voluntary sector in any given department or area and that these are widely consulted upon. We also think that local and national voluntary sector infrastructure organisations, such as local councils for voluntary service or national organisations like NCVO and Clinks, should be supported to act as a neutral broker between government and the wider voluntary sector.

As previously mentioned, we think that voluntary organisations could be positively supported by well-designed government grant programmes that are long-term, strategically designed in partnership with the voluntary sector and allow for innovation.

### What is the likely impact of greater local devolution on the charitable sector, or particular types of charity? What are the opportunities and challenges associated with local devolution?

At this stage, it is unclear what impact justice devolution will have on the voluntary sector. A recent briefing on devolution and multiple needs in England, from the Making Every Adult Matter (MEAM) coalition, found that many voluntary sector organisations in devolution areas felt on the fringe of decision making and not fully involved. MEAM recommends that combined authorities and others involved in negotiating deals need to ensure there is a clear, transparent route for the voluntary sector and the people it supports to engage in the devolution process.<sup>33</sup>

In Wales the voluntary sector has very different structures to navigate. Police and Crime Commissioners in Wales are working to a non-devolved justice system, but with other areas of policy devolved to the Welsh Assembly that impact on the ability to support people in the justice system and their families. This adds complexity and requires a unique approach to supporting the voluntary sector in Wales which will be distinct from the devolution occurring in the English regions. Clinks has recently established a Wales based development worker to support the voluntary sector working in criminal justice.



**CLINKS**

**Clinks supports, represents and campaigns for the voluntary sector working with offenders. Clinks aims to ensure the sector and all those with whom they work, are informed and engaged in order to transform the lives of offenders.**

**For more information about this paper, contact:**

Nathan Dick,  
Head of policy and communications  
Nathan.dick@clinks.org  
07891 293093

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Clinks  
Tavis House  
1-6 Tavistock Square  
London WC1H 9NA  
020 7383 0966  
info@clinks.org  
@Clinks\_Tweets  
[www.clinks.org/policy](http://www.clinks.org/policy)

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### Notes

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