

Civil Society Covenant 2024 | NCVO Consultation



Our response

Submitted December 2024

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system. Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the criminal justice system 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 service users. Clinks also uses its relationships across government to act as a policy conduit between ministers and officials and the criminal justice voluntary sector.

We are a membership body 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, our network reaches tens of thousands of contacts. These include individuals and agencies with an interest in the criminal justice system and the role of the voluntary sector in rehabilitation and resettlement.

About this response

The Civil Society Covenant is a new agreement to improve and reset the relationship between civil society and government.

The Covenant is designed to:

- Support collaboration between civil society organisations and government
- Ensure respect for the different roles we play, and protect our independence
- Support all public bodies and civil society organisations
- Build on and support existing agreements in place at a local level
- Complement other arrangements in Scotland, Wales and Northern Ireland.

Clinks responded to The National Council for Voluntary Organisations' (NCVO) call for feedback on their draft Covenant Framework principles.

Find out more about this response and the Covenant in [our blog here](#).

Your relationship with public bodies

How do you engage with public bodies?

- Recipient of funding.
- Influencing decision-making.
- Influencing service design.

Which public bodies do you engage with?

- Local government (e.g. a local authority, local council, or mayoral combined authority).
- Central government departments (e.g. DHSC).
- Arm's-length bodies (e.g. NHS England).
- Local or regional public bodies (e.g. Integrated Care Boards).
- Other (please specify) - Parliamentary Committees, Welsh Government, Police and Crime Commissioners.

Do you experience barriers when engaging with public bodies? (If yes, please could you tell us more about your experience?)

Yes.

As an infrastructure organisation, engaging with public bodies is a core part of Clinks' work. We represent the views of, and advocate for, our members and the wider voluntary sector working in criminal justice with ministers and officials across a range of government departments, and arms-length bodies, as well as a range of local public bodies and structures.

Whilst much of the engagement we have with public bodies operates smoothly, and we work with many engaged and hard-working ministers and officials, there are a number of barriers that we repeatedly encounter. These include public bodies often looking to engage with the voluntary sector late on in processes, when it can be too late for the sector's expertise to meaningfully impact the issues on which they are being engaged. This restricts the sector's ability to be involved, in partnership with statutory stakeholders, in policy development and service design. This also fails to recognise the sector's role as an essential component in the delivery of public services. In addition, the timescales over which public bodies look to carry out their voluntary sector engagement make it very difficult for all organisations who might want to take part and have something to contribute to be able to do so. This can include timelines for engagement being very short, little consideration being given to competing priorities (including to engage with other public bodies) that organisations may be balancing, and consideration not being given to the other responsibilities that voluntary organisations' staff may have. This has a particular impact on small, specialist organisations who do not necessarily have the capacity to engage in such a way. Taken together, this can often make public bodies' engagement with the sector feel tokenistic, or that it is just a box-ticking exercise for the public bodies.

For example, there are currently three different parliamentary committees with open calls for evidence on inquiries about prisons, running alongside the independent Sentencing Review – which also has an open call for evidence. Moreover, these are running over the Christmas and New Year period, where many organisations experience reduced capacity, especially away from service delivery functions, as staff take well-deserved time off.

Another barrier that the voluntary sector often faces in its engagement with public bodies is that these bodies often only see the sector as service providers. As referenced above, this means that public bodies may not engage with the sector from the outset of policy or service development processes, only coming to the sector at the stage of market warming. This means that the expertise and experience of the sector is lost in these processes, and policies and services may not be designed and set up as well as they could have been, had the sector been able to share its insights from the beginning of these processes.

Engagement with public bodies often also depends on the views of individual officials and public servants as to its value. It can be the case that some of the best practice in terms of engagement only comes about because individuals with an interest make it happen, rather than high-quality engagement being routine and built into the processes of public bodies. This means that when personnel change, the quality and type of engagement can also see a sudden change.

Financial barriers also act as a barrier to genuine engagement between the voluntary sector and public bodies. This can take the form of ‘unfunded signposting’ by statutory stakeholders to voluntary organisations. Without genuine engagement concerning the financial realities faced by many across the sector, there will not be the necessary resources for the sector to provide effective support for their beneficiaries.

There also exists a power imbalance in the relationship between voluntary organisations and public bodies. This is in part through the funding that public bodies provide to the sector, meaning those reliant on public money may feel unable to participate in other relationships with public bodies that could lead to criticism of their public funders. Moreover, this is also in part because the cohort of people that particularly criminal justice voluntary organisations support. These people have suffered harm, often as a result of the state, and so that poses challenges in building effective relationships between people who have these experiences, the organisations supporting them, and public bodies.

What supports an effective relationship between civil society organisations and public bodies?

Please share any examples.

Based on the barriers outlined above, steps can be taken to support an effective relationship between voluntary sector organisations and public bodies. This can include public bodies recognising that many smaller and specialist organisations are unlikely to have dedicated fundraising/bid-writing staff and/or policy staff, and so may not be able to respond to requests at short notice, particularly during busy times of the year, or over public holidays. Some of these problems can be compounded by the difficulty in accessing funding to cover organisations' core costs, such as central services. Additionally, there needs to be a greater focus on how the government engages with the voluntary sector, that reflects the varying degrees of capacity of voluntary organisations and the differences in opinion that exist across all voluntary sector networks. A more creative approach should be pursued, that factors in a variety of avenues for engagement focused on a transformational rather than a transactional partnership.

Moreover, even in larger voluntary organisations, as is also the case in a number of public bodies, staffing and staff workloads can be a particular challenge. For instance, our 'State of the Sector' research into the landscape of the voluntary sector working with people in contact with the criminal justice system found that over half of the organisations who responded to our survey said their staff were taking on larger caseloads in response to continued increases in service user need.

This increased pressure on voluntary sector staff needs to also be kept in mind as part of effective relationships between the voluntary sector and public bodies.

As such, an effective relationship can be supported by ensuring that information is shared between public bodies and voluntary organisations promptly, and, as far as possible, details of upcoming work as well as commissioning and funding pipelines are communicated, so that organisations have time to prepare. Providing advance notice of upcoming activities can help to mitigate some of the challenges that come with short timelines, as organisations will have had some time to get ready to engage.

This can be further supported by ensuring greater synergy between ministers and officials, particularly when it comes to engagement with voluntary sector organisations. Many of these organisations will hold strong relationships with officials or ministers related to their specific area of focus, but can be stymied by a lack of alignment between officials and elected representatives on the utility of voluntary sector engagement. A shared approach to engagement would rectify this, and such an approach should be fostered in partnership between statutory and non-statutory stakeholders. This would acknowledge the differences that currently exist between stakeholders, particularly around inefficiency or rigidity, and set out a clear roadmap as to how these can be bridged.

Involving voluntary organisations earlier in processes, and seeking to co-produce work with the sector, can also help to support an effective relationship. The voluntary sector holds a wealth of knowledge and experience across many domains, not just related to service delivery, and so can provide valuable insights to public bodies. By involving the sector early, it is able to share its expertise with public bodies at a stage when it can feed into and impact the work that is being undertaken. This can help to create better processes, supporting the involvement of voluntary organisations with public bodies, and improve outcomes for beneficiaries.

Many voluntary organisations also have good relationships with people with a wide range of lived experience, often as a result of their service delivery work. An effective relationship between public bodies and the voluntary sector can also help to ensure that these people's voices are heard and considered as work is developed, helping to make sure their needs are met.

Another key consideration for public bodies relates to following up with the voluntary sector after they have engaged with them. Often, public bodies seek the views of the voluntary sector, or ask for their support for a piece of work, but then do not share the outcomes of that work with either the sector as a whole, or the organisations that were involved. The time that organisations spend working with public bodies is not cost free to those organisations. Consequently, it is important that public bodies share the impact and outcomes of their engagement with the voluntary sector, to support it to engage with those public bodies again in the future.

Finally, it is important that building and maintaining relationships with the voluntary sector is something that is considered part of business as usual within public bodies. This will help to ensure that these relationships are always given appropriate levels of priority, even as the staff within public bodies change over time, and that good practice is retained and shared between different parts of the public sector.

To this end, Clinks would like to highlight, as an example of one way of creating effective partnerships between the voluntary sector and public bodies, the Reducing Reoffending Third Sector Advisory Group (RR3). This is an official advisory board to the Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS). Clinks, as the MoJ/HMPPS Infrastructure Grant holder, chairs the RR3 and provides its secretariat.

The Group is made up of openly recruited senior leaders from across the voluntary sector, who bring their expertise to represent a diverse range of areas of work, as opposed to their individual organisations. For example, members of the group currently represent areas of work and key focusses including accommodation, people serving long prison sentences, substance use and small organisations. This group meets quarterly with senior officials within the MoJ and HMPPS to discuss topics of concern, provide feedback on activities being carried out by the Government, and contribute to the development of policymaking and commissioning processes. In these meetings, RR3 members draw on their own expertise, that of their organisation, and the expertise and experience of other organisations in their part of the sector. The group also periodically meets with relevant ministers as part of its work.

Between these quarterly meetings, seat holders, with the support of Clinks, meet directly with officials who work on their areas of expertise, to enable more detailed discussions to take place. In addition, the RR3 can also create time-limited special interest groups to examine specific and salient issues in more depth. These special interest groups also enable the RR3 to bring in further expertise by co-opting other people from the voluntary sector to be part of these projects. Recent examples of special interest groups include groups on accommodation, community provision of mental health and substance use support, and commissioning. More information on the RR3 and its work is found on the [Clinks website](#).

What actions should civil society organisations take to improve the relationship with public bodies?

What actions should public bodies take to improve the relationship with civil society organisations?

As outlined above, there are a range of practical actions that public bodies can take to improve their relationships with voluntary organisations. These include:

- Setting out the framework of a long-term partnership between public bodies and the voluntary sector. This should incorporate a clear articulation of why the relationship matters, what its objectives are, and be focused on fostering strengthened relationships geared towards the co-production of solutions.
- Reinforcing this approach by moving away from a reductive and short-term contracting model that does not make best use of what the voluntary sector can offer and will ensure more value for the taxpayer, and more effective and joined-up services.
- Valuing the depth and breadth of the voluntary sector's expertise and experience, recognising that it is more than just a service provider.
- Seeking to engage with the voluntary sector early on in projects and processes, working together as trusted partners, so the sector has an opportunity to feed into and co-produce these projects and processes, and their outcomes with public bodies.
- Sharing upcoming plans and commissioning opportunities with the voluntary sector as early as possible, so the sector is able to plan ahead for work and engagement with public bodies.
- Engaging with voluntary organisations in ways that help to facilitate those organisations' engagement with public bodies, such as by giving organisations a reasonable amount of time over which they can be involved, considering other pressures that organisations may be under at the time public bodies are looking to engage with them and reflecting that in asks of the sector, and feeding back to the sector, or at least those organisations involved in a piece of work, the impact and outcomes of that work.
- Communicating clearly with the sector, including both providing it with information in ways described above, but also listening to the sector and its expertise, and treating it as an equal and valued partner in communications.

- Recognising that voluntary organisations are often being asked to provide their expertise to public bodies, that there is a resource cost to organisations doing this, and so considering paying voluntary organisations for their time in appropriate cases.
- Public bodies need to be aware of the power imbalances that can exist in the relationships between them and voluntary organisations, both as a result of public funding, but also the experiences of harm that voluntary organisation's beneficiaries may have experienced, often as a result of state power. To help mitigate these imbalances, the processes for building effective relationships and engagement between the voluntary sector and public bodies should be co-created with people with lived experience, and particularly those with experience of harm caused by the state.

Effective ways of realising these things can be done by working with infrastructure organisations across the voluntary sector, to help create an effective conduit between the wider voluntary sector and public bodies. A report from 360 Giving found the number of national infrastructure bodies fell by around 4% between 2011 and 2022, with the number of local infrastructure bodies falling by about 25%. At the same time, total spending by both national and local infrastructure has not matched the growth in the wider voluntary sector over the same period. This means the support available to the sector has reduced, hampering the connection between the sector and public bodies. Consequently, public bodies should look at ensuring infrastructure organisations are adequately funded, and connected with relevant bodies, officials, and decision-makers to help facilitate effective relationships. As part of this, it is important that the infrastructure sector is resourced to be able to support and represent the breadth of the diverse voluntary sector, across all the domains and areas that it works, so all organisations feel they have somewhere they can go for support.

What supports civil society to innovate and find solutions to societal problems?

Clinks' vision is of a vibrant, independent, and resilient voluntary sector that enables people to transform their lives. Part of this relies on the voluntary sector being adequately funded to deliver its important work, as well to innovate where needed.

Our 'State of the Sector' research into the landscape of the voluntary sector working in criminal justice found that almost four-in-five organisations that responded to our survey reported increased running costs, with just under half (47%) reporting that those costs had increased significantly. Public bodies are key funders for the criminal justice voluntary sector: 39% of survey respondents reported their largest source of funding was government/statutory contracts, and a further 10% said this was government/statutory grants. At the same time, 39% said their largest funding source was grants from charitable trusts and foundations.

Our survey also saw 65% of organisations delivering services under contract or sub-contract, which are almost always commissioned by public bodies. This funding is particularly important because, of those organisations delivering services under contract, only a quarter said they received full cost recovery on all their contracts, with 61% reporting that they do not achieve full cost recovery on at least some of their contracts. Of those organisations who were not achieving full cost recovery, 68% said they were subsidising shortfalls with their reserves, and 60% said they were subsidising shortfalls with other funding sources.

In our focus groups with voluntary organisations, many said they were planning to, or had already, cut or reduced some services. Others also described prioritising services with more reliable or sustainable funding. Funding pressures are impacting service delivery. This means it is difficult for voluntary organisations to find and deliver solutions to societal problems, as service delivery risks becoming driven by the funding available, rather than service user need.

Moreover, in some domains, there already exists good evidence about what works well to support people with particular needs. Consequently, there is not always a need to look to innovate to help address societal problems. Rather, funding should be made available to the sector to support it to meet the needs of service users, rather than being forced to always look to find a new solution. This would help to give organisations the flexibility to deliver the best services. As such, organisations would be able to use their expertise to determine whether a well-evidenced, existing service could be delivered, or whether there is a need to develop and deliver an innovative service.

The most effective way of achieving this flexibility is by providing voluntary organisations with access to unrestricted funding, as opposed to funding that is restricted to specific projects or that mandates innovation. Our 'State of the Sector' survey highlighted that the voluntary sector has a strong preference for grant funding, over contracting arrangements, including when being funded by public bodies. Therefore, we would recommend that public bodies fund the voluntary sector through unrestricted grants. Moreover, these grants should provide multi-year funding, to help the voluntary sector plan ahead, and to retain high-quality experienced staff.

It is also important that processes, policy decisions, and commissioning opportunities look to take holistic and joined-up approaches, rather than operating in silos. This needs to include looking at commissioning processes and opportunities, so that they can enable the voluntary sector to work across a number of different areas, and work in partnership with other organisations were needed to provide wraparound support. Many solutions will require working with people in a number of different ways to provide them support that meets their needs, or preventative support in one area may stop needs arising in another.

For instance, intervening early to support someone with a health need or an accommodation need, could help to prevent criminal justice involvement later on, but this connectedness of a whole range of different issues is something that is often overlooked in current ways of working. As such, it is essential for different public bodies work together, look at areas where it could be effective to pool resources, and work with a diverse range of voluntary organisations to take whole-systems approaches to solving problems where needed.

Your feedback on Civil Society Covenant Framework principles

Do we need a Covenant to improve the relationship between civil society organisations and government?

Yes.

To what extent do these four principles support an effective relationship between civil society and public bodies?

Overall Clinks believes that the four principles set out a good foundation for supporting effective relationships between the voluntary sector and public bodies. Recognition, partnership, participation, and transparency all contribute to helping to overcome the barriers to effective relationships that we set out in answers to the above questions. In line with Clinks' vision, these principles also come together to help create a vibrant, independent, and resilient sector. We particularly welcome the elements that relate to removing barriers for small organisations, as this is a challenge often faced by smaller and specialist organisations working in criminal justice.

Transparency and recognition also stand out as particularly important principles. To help build confidence, it is important that both civil society and the public sector are transparent with each other and appear to be so. This includes being prepared for voluntary organisations to hold public bodies to account and challenging systems that undermine social justice or entrench systemic inequalities, in line with their charitable and social objectives.

In this, it is essential that public bodies recognise the expertise of the voluntary sector, the work it delivers, but also the distinct role it plays in public life, that differs to that of public bodies. For many voluntary organisations, their independence from the state is a key factor in how they are able to work successfully, and it is important that public bodies recognise and respect this.

We believe that the key to the success of these principles will lie in how effectively they can be embedded into the ways that public bodies operate. As such, a new Civil Society Covenant can only be part of a solution to improving the relationships between voluntary organisations and public bodies. Integrating the principles and way of working set out in the Covenant effectively will be key to ensuring that engagement with the voluntary sector is consistent across all domains and based on best practice. This means there needs to be buy into this approach from senior leadership across the entire public sector to help embed and integrate this change.

What changes or additions, if any, would you make to the draft principles?

Noting the data set out in response to previous questions as to the importance of statutory funding, particularly to the voluntary sector working with people in contact with the criminal justice system, Clinks would suggest a small change is made to the partnership principle. This would be to expand its scope to explicitly cover effective funding and commissioning of the voluntary sector, in addition to effective service delivery and policy making.

How can we ensure civil society organisations and public bodies uphold these principles?

The most effective way for the voluntary sector and public bodies to uphold these principles will be to work to embed them as part of the culture of both civil society and public bodies. This will help to create the circumstances where the relationships between public bodies and the voluntary sector become an integral part of day-to-day operations, rather than a 'nice to have', and that engaging with the sector is something that helps to improve processes and outcomes, rather than just being a 'box to tick'. Consequently, we propose that public bodies should develop and implement a Civil Society Strategy, that sets out how the principles of the Covenant will be embedded as part of their culture and regular workstreams.

The introduction of a new Civil Society Covenant represents a significant opportunity to reset relations between public bodies and the voluntary sector, as well as between public bodies and voluntary organisations themselves. As such, this presents an exciting chance to make tangible improvements to the way in which public bodies and the voluntary sector work together in genuine partnership, breaking down barriers, taking holistic and whole systems approaches, finding opportunities to pool resources for greatest impact, and working to meet the needs of all people in society.

Our vision

Our vision is of a vibrant, independent and resilient voluntary sector that enables people to transform their lives.

Our mission

To support, represent and advocate for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.

Join Clinks: be heard, informed, and supported

Are you a voluntary organisation supporting people in the criminal justice system?

Join our network of over 500 members.

Clinks membership offers you:

- A voice to influence change
- Practical assistance to be effective and resilient
- Support from a community of like-minded professionals.

Membership starts at just £80 per year and is free for organisations with little income.

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