

Understanding the role of Government in relation to voice and campaigning

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1 Introduction

The Third Sector review by the HM Treasury and Cabinet Office has identified 'voice and campaigning' as one of five themes for further exploration. This paper sets out the views and analysis of the NCVO Campaigning Effectiveness programme and the Sheila McKechnie Foundation to inform these issues, based on research with third sector organisations.

Work is being conducted across Government around engagement issues; this paper focuses on voice and campaigning through 'third sector organisations' (TSOs). Third sector organisations are a wide group including, for example, voluntary and community organisations, social enterprises, faith groups and co-operatives.

This Government has been open to, and consultative with, the Sector and perceptions are that the whole Sector has shifted closer to Government. This relationship between Sector and State is seen as positive in many ways. However a number of areas of sensitivity inevitably remain (Campaigning effectiveness programme (CE) 2006). Primarily, whilst it is commonly accepted that *access* has increased, there are doubts as to whether this translates to actual *influence* over policy:

"...we've got a lot more access but I'm not actually seeing huge impact"
(National TSO, CE research 2006/7)

This is a joint paper submitted by the Campaigning Effectiveness programme and the Sheila McKechnie Foundation (SMF). The findings and comments in it are informed by the following sources;

- Research conducted by CE - including a survey and focus groups - to determine campaigning support needs (full findings to be published in Spring 2007);
- feedback to SMF from the campaigners who have participated in their awards beneficiary scheme and skills development workshops;
- research into campaigning training needs undertaken by The Scarman Trust on behalf of SMF;
- People and Planet and Sheila McKechnie Foundation survey (Barriers to Campaigning 2006)
- research with MPs carried out for SMF by AS Biss
- additional anecdotal evidence gathered from campaign training and capacity-building sessions at both a national and local level.

2 Summary of responses to Review questions

Whilst this paper draws on a good body of evidence and understanding as to the state of the campaigning Sector, it is worth noting that some of the specific

questions being asked by the Government in this review have not previously been explored in great depth directly with the Sector.

For the reasons articulated in this paper, further research and consideration may be needed before determining precisely how - and whether - the Government might appropriately support and enhance TSOs' voice and campaigning-related activity. This paper therefore aims to inform the debate and suggest options for consideration by HMT and OTS.

1. What should be the balance of effort in the OTS/across Government as they work with the third sector on different kinds of voice?

Based on the analysis in this paper, it would seem that there are three areas for priority consideration:

How can consultation and engagement processes be strengthened and applied more consistently and comprehensively? (See Q2 below.)

Does government have a role to play in helping to support the building of Sectoral campaigning capacity? (See Q3 below)

What are the opportunities for reviewing and reconsidering existing legal constraints on campaigning? (See Q3 below)

2. Government is increasingly looking to bring together direct and responsive voice and work with the sector in collaboration and partnership. What more should Government be doing in this area?

Put simply, Sectoral effort will follow the routes of influence. If consultation is perceived as meaningful then TSOs will engage with it. It seems clear that transparent processes of engagement, based on openness and trust, would be widely welcomed. Certainly CE and SMF are in a position to help support efforts to make consultation with the Sector more positive, by reflecting and elucidating current concerns and representing the interests of the Sector in any discussions about what optimum consultation would look like. However, it will be important for CE and SMF to continue to maintain that TSOs may need to deploy a much wider array of influencing techniques in order to have an impact on policy.

In tandem with improved consultation processes designed to garner responses to a pre-defined governmental agenda, stronger mechanisms of public involvement more generally will help TSOs and individuals bring their own proactive policy agendas to decision makers.

At their best, consultations provide an opportunity for TSOs to have their views formally recorded, listened to, and taken into account and to have their recommended policy prescriptions considered and incorporated within public policy making. Consultations can also help identify the balance of popular

opinion on key issues. Zimbabwe Futures, a pressure group campaigning for the reconstruction of Zimbabwe, used the review of UK support for health services in developing countries as a platform to call for a right for Africans working in the National Health Service to be given temporary leave to do health projects in their home countries. The report published by the review on 13th February 2007 agreed to explore a 'right of return' and acknowledged Zimbabwe Futures intervention in the debate.

And there are a number of examples of good and innovative practice: initiatives such as the new duty on public involvement that is due to be introduced for local government, and the petitioning system within the Scottish Parliament, for example, represent interesting initiatives that could be worth exploring further, and expanding. The Power Inquiry noted that petitions have instigated legislative initiatives by the Parliament including fast tracking of compensation claims in the courts for asbestosis sufferers (Power Inquiry 2006: 149) This is a very direct way in which policymakers can be responsive to emerging concerns presented by civil society.

But it seems that there are currently unacceptable variations in practice across government. Indeed, consultations are not always carried out consistently across the range of important policy decisions, with statutory instruments that may include major/regulatory changes often not subject to any public consultation. Government departments should be feeding back on consultations more systematically too, explaining why they have given greater weight to some concerns than others in formulating decisions for example. Government itself acknowledges that it must be "*clearer about the action it takes as a result*" (OTS, 2006).

Given that anecdotal evidence points to problems with the dual funder-target relationship, it might also be worth exploring further the extent to which organisations actually experience any kind of threat to funding as a result of proposed or actual campaigns. Some evidence from NCVO's Compact Advocacy Programme suggests that while there continue to be breaches of the compact at both national and local levels (there are currently over 35 cases), it is unusual for there to be many cases arising **directly** from campaigns. This may be due, of course, to a perceived chilling factor.

3. In relation to direct voice - How far should the Government go in seeking to enable campaigning to flourish?

The analysis presented in this paper suggests that there are limits and parameters to be observed here. It is vital that any government funding of/support for TSOs' campaigning should not be seen to undermine the independence of the Sector. However, it is clear too that many organisations lack the capacity to express the voice of the communities they represent as effectively as they could do. There is a balance to be struck between these two truisms and where that balance best sits is likely to require further discussion, research and testing. One possible way forward would be to undertake a feasibility study into the creation of a campaigning skills fund,

financially supported by, but administered separately from, government. Such a study could gauge opinions regarding the desirability of, and appropriate limits to, public investment in developing campaigning capacity.

One way to answer this would be to ascertain the area of confluence between the offers of support the Government is happy to countenance making, and what the Sector is able to accept without compromising its independence.

The issue of legal restriction on campaigning activity could be taken forward to address the issues raised in section 1.2 above through the establishment of a specialist review of the regulatory and legal environment and the extent to which it inhibits or encroaches into campaigning space.

Lastly, we believe that government should not seek to influence how campaigning organisations select their policy priorities. This should be a matter for the organisations themselves. A number of voluntary organisations actively involve their members in developing policy priorities.

4. In relation to responsive voice - what should the balance be between seeking the voice of the sector, the voice of beneficiaries and the voice of the public more widely?

It is presumably a reasonable premise that it is in everyone's interests (government, Sector and beneficiaries) that policy making and implementation incorporates the views of affected communities appropriately. One important mechanism in this is for beneficiaries' interests and views to be represented through the intermediary interlocution of TSOs. The VCS is an important stakeholder in the process. However, sectoral input should supplement, rather than substitute for, beneficiaries' participation in their own right, as members of the public and/or affected communities. Clearly government must also take into account wider public interest too.

As discussed in section 5, within these processes, it is incumbent on

- the Sector to consider how best to operate in ways that allow a range of voices to be heard appropriately;
- and government to ensure that consultation with each grouping is meaningful and balanced (see also Q2)

5. Are there voices that Governments should particularly seek to reach through the Third Sector?

There is a strong anecdotal sense that smaller groups, often representing marginalised interests, are comparatively disadvantaged (see Sections 2.1 & 5). We welcome the Government's acknowledgement that there are some groups who currently feel they have a weaker voice – those who are poor, have a disability, or experience discrimination or other forms of inequality or disadvantage (OTS 2006: 17).

Many voluntary organisations that represent the views and interests of disabled people and ethnic minority communities came into being as a response to the failure of state provision to meet their needs. Examples include supplementary schools in the black community and disability services. It is therefore particularly important that policymakers gauge the views of these organisations as they are more likely to highlight the need for policy reform.

However government action should not be limited to helping these organisations respond to consultations. Government could prioritise the need to equip these bodies with influencing skills as discussed in question three above. Empowering organisations that represent diverse minorities will mean that they can proactively advance their own policy prescriptions, rather than simply having the capacity to respond to a ministerial agenda.

6. Where should activity on third sector voice and campaigning sit within Government?
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Wherever it sits, there should be adequate resourcing to deliver and the ability to interact with and influence other government departments effectively. The recent (May 2006) move of sector responsibilities to the Cabinet Office, and the establishment of the Office of Third Sector was very welcome and should ensure cross-departmental coordination and coherence across all disciplines, including campaigning.

3 The sector's capacity support needs

Campaigning 'pressure groups' both supplement and counterbalance the effects of the electoral voice. At their best, campaigning organisations lie at the heart of the democratic process, connecting to and articulating community concerns in ways that hold government to account and enhance policy making and implementation. Thus campaigning organisations help ensure "*there is more to democracy than the occasional vote*", promoting the health of democracy by scrutinising government and by freeing debate from the rigid parameters of the electoral cycle and the fickleness of media interest (Wilson, 1984; Grant 2000).

Many campaigning TSOs are well equipped and able to influence public policy effectively, to the demonstrable benefit of the communities they seek to represent and work with. Given this, and in the context of wider concern about public disengagement from political processes, the campaigning Sector's vital role has been acknowledged by government itself:

We need to create a culture in politics and government which is conducive to campaigning. Politicians, whether they are local or national, should understand and celebrate and respect your right to campaign (Ed Miliband 2006)

The political environment has changed significantly in recent years and the legislative process has changed, providing new opportunities for influence, such as pre-legislative scrutiny. Ed Miliband has highlighted the potential opportunities provided by the new duty on local authorities to involve the public in decision making. Campaigners could be supported to develop this as an avenue of influence.

However, whilst the Sector's achievements are important and often inspiring, there is much evidence to indicate that overall impact is diminished by unmet capacity needs that are both extensive and multi-faceted.

3.1 Knowledge and skills development

For some, basic levels of knowledge of campaigning need to be enhanced. Some campaigners for example find it difficult to recognise who to influence, and how, reflecting limited knowledge about legislative and policy processes within and between local, regional, national and international arenas.

Understanding of how to utilise existing mechanisms to help ensure the needs of key communities are taken into account in policy making and implementation is often lacking. These can often prove very effective ways to advance a particular cause. One of SMF's 2006 award winners, for example, was coached on how to use the Freedom of Information Act in order to monitor the implementation of a new school meals policy in her local authority area.

Community-based campaigners supply a vital ingredient in the democratic process and yet there is evidence that this group in particular finds it difficult to project their voices to decision makers effectively (AS Biss 2006). This concern is compounded by the fact that community and local campaigners, particularly those outside London currently lack access to widely available campaign capacity building opportunities (Scarman 2006).

For others, they have an understanding of basic campaigning tools and influencing methods yet lack the necessary knowledge to create and implement effective strategies to achieve maximum impact. Campaigners are keen to share skills, case studies and learn from their peers and have expressed a desire to share information around what makes a successful campaign. They wish to use this learning to enhance their organisation's future impact. Greater support to build capacity around monitoring and evaluation and reporting to stakeholders on outcomes and notional impact has also been expressed (CE 2006).

Many smaller vested voluntary organisations share this need for campaigning skills. The P&P/SMF survey found that 35% of smaller organisations said they 'did not have the skills to campaign' and 47% of organisations agreed with the statement 'we don't have the funds to campaign'.

These were mainly organisations with less than £500,000 turnover. Their lacks of skills was reflected in the limited nature of the campaigning activities they undertake and they were less likely to brief and lobby MPs, international bodies and civil servants.

Other areas consistently highlighted by campaigners include:

- issues of accountability, to funders, supporters, partners and beneficiaries;
- the challenges of working in coalition and partnership;
- the need for greater investment in innovation and learning;
- the need to secure internal buy-in and funding for campaigning (within TSOs themselves) and to explore how organisational structures and decision-making processes can best be aligned to campaigning effectiveness;
- issues in campaign selection, and particularly pertinent to this review, the optimum balance between proactive and reactive campaigning (see section 6);
- overcoming legal restrictions to campaigning
- lack of external funds for campaigning

The interim charity review acknowledges that some sections of society feel that they have a weaker voice than others – those who are poorer or experience discrimination. The document states ‘there is a need to ensure that all have an equal opportunity to participate’ (HMT 2006: 17). Providing this opportunity is dependant, on the groups in question having the skills to project their voices. They need to understand the range of effective campaign strategies and tactics; how to present their case and how to plan a campaign.

There are equality policy mechanisms that are designed to ensure that the needs of key communities are taken into account, such as the public sector duty to promote race equality in the 2000 Race Relations Act. Campaigners could be supported to ensure that they are able to utilise these opportunities.

Case Study – SMF award applicant 2007

A disabled activist of The Leonard Cheshire charity began campaigning by targeting a series of local inaccessible retailers and successfully lobbied for equal access. For her this was a “positive step in improving life more generally for disabled people”.

To expand her group's campaign nationwide, she needs help to develop effective communication with decision makers and inaccessible retailers who fail to comply with the Disability Discrimination Act. .

3.2 Legal constraints

Elements within the legal and regulatory system restrict campaigning tactics and campaigners’ freedom of expression. Concerns relate in particular to the following:

- the restrictions on protest activity contained in the Serious Organised Crime and Police Act (SOCPA), particularly the harassment provisions of the Act and the restrictions on protests in the vicinity of Parliament. The Serious Organised Crime and Police Act's harassment provisions potentially threaten mainstream non-violent campaign tactics, such as protest emails and consumer boycotts.
- the proposal to include reading time to the processing of Freedom of Information Act requests: if this proposal had been part of the original Act, successful uses by TSOs - such as by Which? to gather evidence on restaurant inspection scores - might have been refused on cost grounds;
- uncertainty or lack of information around the campaigning provisions within Charity law appears to impact in particular on smaller charities who worry about the degree of resources they can devote to campaigning activities. The People and Planet Sheila McKechnie Foundation published research in 2006 that indicated that charity law can impede smaller campaigning organisations to campaign. The Charity Commission have agreed to publish a Q and A document that clarifies its CC9 guidance.

3.3 Funding

Finances also emerge as a significant challenge for many, with funding constraints apparently preventing organisations from campaigning effectively, or campaigning at all. Concerns relate to levels of funding as well as types and, crucially, sources of funding, with a particular issue for many organisations being that their funders may also be their campaign targets (see section 4).

4 Understanding 'campaigning' and 'voice'

The term campaigning is not commonly understood. We continue to hear, for example, that many individuals and organisations do not necessarily consider themselves to be 'campaigners' even though they are playing what we would consider to be a vital campaigning and influencing role, as part of civil society. In order to help develop consensus around the notion of campaigning, CE has recently sought feedback on the following working definition:

"Campaigning is the mobilisation of forces by organisations to influence others in order to effect an identified and desired social, economic, environmental or political change" (Kingham & Coe, 2005)

This description seems to enjoy widespread endorsement, with one main caveat - that 'the mobilisation of forces' is not always necessary - merely underlying the point (implicit within the definition in any case) that the range and extent of activities encompassed within the term 'campaigning' depends on the context (CE 2006).

In different circumstances, in other words, campaigning will include some or (maybe but not necessarily) all of the following: research, policy development, lobbying, membership and public action, media advocacy, wider communications efforts aimed at influencing debates, etc. What unites these disciplines under the umbrella of a 'campaign' is that they contribute towards achieving a desired change in public behaviour and/or institutional policy and practice. The effective campaigner identifies the optimum balance between these various elements in order to secure the desired change most cost-effectively, in a particular context, and given the resources available.

As well as coalescing around a common definition of campaigning, it will certainly be useful to explore and better understand the connections between 'campaigning' and 'voice' in its various aspects. HMT and OTS distinguish between direct voice (characterised as encompassing "letters to MPs and councillors, petitions, rallies"); and responsive voice (defined as involving "consultation exercises, etc"). In this, there is an apparent correlation between the terms 'direct voice' and 'campaigning': the former seems to refer to activities that are also encapsulated by the latter. In contrast, the term 'responsive voice' references the ways in which TSOs, along with other stakeholders, contribute to the Government's policy-making processes in accordance with the Government's own public policy agenda.

However, it is not quite so straightforward as that. Campaigning is an intrinsically diverse discipline and campaigning organisations have - or at least should ideally have - multiple strategies in place in order to influence policy. Engaging in government-led dialogue - articulating the 'responsive' voice - may sometimes represent a stand-alone contribution by a TSO to a policy debate, but equally it may be conceived as merely one part of a wider campaign strategy. In other words, rather than being something always wholly distinct, activities associated with 'responsive' voice may form part of a multifaceted campaigning approach. It is at this point that the two elements of 'voice' begin to intersect. This overlap is particularly evident given the evolving relations between government and Sector over the past few years (as discussed in section 6).

5 Funders and targets

For some, the issue of funding is simply that there are insufficient funds available. Others cite the lack of unrestricted resources, and the development of the 'contract culture', as being problematic for campaigning. But the primary concerns within the Sector around funding relate to the extent to which government bodies, invariably targets, concurrently act as funders and exert influence as a result. Suggestions are that the occurrence is widespread (CE 2006):

"I've seen and heard of specific cases of ... threats ... to cut ... funding... the whole issue of some organisations being co-opted as a result of that and therefore... not using their potential campaigning weight effectively" (National TSO)

In theory at least, the Sector is protected from this type of distortion of relations by the Compact, which recognises the Sector's campaigning role alongside its service provider function and is designed to safeguard the independence of TSOs holding public service delivery contracts.

Whether or not there are problems in practice, it is fair to say that there remains a fear/belief, at least, that the Government would consider cutting funding to organisations who are critical (CE 2006). Thus, there are clearly (and unsurprisingly) concerns around the extent to which funding from targets potentially or actually compromises independence in campaigning. In response, many TSOs tackle this by setting a maximum acceptable allocation of funding from government sources, in that way seeking to maintain and demonstrate independence.

This is an issue of resources and power, but it is also about perceptions. Questions about a particular organisation's independence, because of too-tight financial links to targets, could even affect the way that its campaigning achievement are interpreted: what might otherwise be proclaimed as reputable compromise could instead be seen as indecent co-option. The sector needs to be cautious to the risk of actual or perceived interference; and this is an imperative for CE and SMF too (carrying with it wider implications for how campaigning infrastructure could be reasonably supported with government money).

6 Whose voices

When seeking to listen to the 'responsive voice', it is important that government recognises, and hears, multiple views. And yet there is a strong view within the Sector that the diversity of roles and functions it plays out within civil society is not adequately captured within consultation procedures:

"I think a fundamental flaw in ... the system...is why the voluntary sector is being treated as one sector when actually a lot of us are all doing something very different"
(Local VCO, CE Research 2006/7)

As a result, those who act as 'third sector representatives' often feel that, because they are expected to represent the whole Sector, or vast subsections of it, their message becomes diluted, and consequently the responsive voice is dissipated. There is an accompanying perception that organisations that aim, and claim, to represent the Sector do not always do so fully.

In relation to this, the current plethora of local participation/consultation structures detracts from, rather than enhances, the Sector's overall capacity to represent beneficiaries. This could lead to the creation of a 'super-class' of TSOs who are represented, and active, in multiple fora on a whole range of issues, at the expense of others' input. Unsurprisingly, this is particularly an issue for smaller organisations:

“smaller voices are lost ... the organisations with the most resources set the agenda...”
(Local VCO, CE Research 2006/7)

One argument amongst others advanced for the existence of ‘pressure groups’ is that they give enhanced voice to disadvantaged communities (Wilson, 1984). However, that is not necessarily the case of course (Grant, 2000). Two preconditions must apply:

- ways of operating must allow for disadvantaged communities’ voices to be appropriately heard amongst the cacophony, with a seat, or at least a voice, at the table; and
- the third sector must demonstrate that campaigning organisations speak for, and with, beneficiaries with evident authority.

In relation to the former, we have noted already that some grassroots voices are marginalised in the process of influencing, in part because they are not well equipped to intervene and respond effectively. It would seem that there are questions therefore about how to appropriately support the voice of those groups that have traditionally had a weaker representational input, for both State (what kinds of consultation mechanisms and processes best allow for appropriate input from all affected groups?) and Sector (how do/should larger TSOs, with the staff and capacity to engage in consultative processes, seek and incorporate the views of smaller grassroots bodies?)

In terms of bolstering the voices of those groups that have traditionally had a weaker representational input, the following questions should be considered by the State and the Sector:

- what kinds of consultation mechanisms and processes best allow for appropriate input from all affected groups?
- how do/should larger TSOs, with the staff and capacity to engage in consultative processes, seek and incorporate the views of smaller grassroots bodies?

In relation to TSOs’ legitimacy as representative of beneficiaries, this is an area where the Sector often excels. Many organisations place beneficiaries at the forefront of policy development work, with many disability organisations, for example, encouraging their beneficiaries to be direct advocates for their own concerns.

It is often TSOs’ close involvement in delivering services to users that gives them the insights to comment confidently on policy and for many TSOs, campaigning and service delivery are naturally complementary. An understanding of the needs and aspirations of beneficiaries provides vital feedback that can inform the way that services are designed and delivered, as well as informing wider campaigns that seek to influence policy-makers and

others. At the same time, campaigning work is strengthened by, and derives its legitimacy from, direct experience of providing services.

At their best, therefore, TSOs bring to policy debate considerable knowledge and expertise, informed by experiences of working in the field, and backed by quality research and policy analysis. It may be that the Sector as a whole needs better to articulate the ways in which TSOs maximise their representative legitimacy in communicating with, and promoting the interests of, their identified beneficiaries. However, it is for the sector to decide how it develops its campaign priorities and the role that members and beneficiaries play in this process. Government should not seek to influence how individual sector organisations decide which public policy areas that it wishes to influence.

It is worth making the point, however, that consultation with the Sector should complement not replace other forms of public engagement. Whilst campaigning organisations are able to connect with many people who do not participate in the formal political process, they will alone not be able to redress the 'participation deficit'. To do that government needs to put in place broader mechanisms that generate greater levels of public involvement in local and national politics (Power Inquiry 2006).

7 Government & sector in a campaigning context

*"...we've got a lot more access but I'm not actually seeing huge impact"
National VCO (CE research 2006)*

This goes to the heart of discussions around direct and responsive voice, and the extent to which those expressing, and encouraged to express, 'responsive voice' are actually influencing policy. Thus there are concerns around the extent to which those within the TS are being used as "*unpaid consultants*" with little or no impact on the policy outcomes (CE 2006). In consequence, there is a feeling within the Sector that TSOs should be more carefully considering the ways in which they engage with Government. And balancing participation in government consultations and committees with wider campaign priorities is specifically cited as a challenge for organisations aiming to maximise their impact, particularly in the context of limited available capacity and resources (CE 2006):

"sometimes you just have to pick your issues a bit more carefully".

Indeed, there is some scepticism that TSOs can get tied up in responsive processes in ways that may unhelpfully divert scarce resources. There is even suspicion that the Government seeks to co-opt and mute TSOs through the multifarious consultation and engagement processes it establishes. In response, TSOs are questioning what is the right balance between private engagement (where the risk is that resources are tied up in ultimately fruitless consultation) and more public criticism and pressure.

Obviously decisions by campaigning TSOs about the optimum mix of strategies will depend on issue and context. However, evidence indicates that the most effective campaigning approach is often to deploy a twin-track strategy, where campaigners seek to engage in constructive discussions with targets whilst at the same time employing, or at least having the capacity to utilise, more challenging tactics in order to exert additional leverage at critical times:

“...just working with the government is not enough, even if that’s your principle strategy ... You always need a Plan B, you always need a way to apply some external pressure, otherwise they will take you for granted, otherwise you will be co-opted or just ignored because you don’t have any leverage”

The Government’s stated aspiration (in the OTS brief), *“to bring together direct and responsive voice and work with the Sector in collaboration and partnership”* is obviously a welcome one, requiring a constructive response from the Sector. But, given the analysis above, any response will need to take into account that the role of bodies like CE and SMF is to help campaigners and TSOs identify their most advantageous influencing options (without consideration of whether the government approves of them or not, except insofar that this will affect their capacity to be influential). Any different stance would represent a conflict of interest, or, at the very least, could lead to accusations of it.

A reasonable assumption would be, of course, that if government successfully develops its efforts to work in partnership with the Sector, then the answers that TSOs reach around whether and how to participate in government-led consultation would be liable to be more positive. The more meaningful that the Sector perceives consultation processes to be, the better the levels and quality of participation.

At their best, consultations provide an opportunity for TSOs to have their views formally recorded, listened to, and taken into account and to have their recommended policy prescriptions considered and incorporated within public policy making. Consultations can also help identify the balance of popular opinion on key issues. And there are a number of examples of good and innovative practice: initiatives such as the new duty on public involvement that is due to be introduced for local government, and the petitioning system within the Scottish Parliament, for example, represent interesting initiatives that could be worth exploring further, and expanding.

But it seems that there are currently unacceptable variations in practice across government. Indeed, consultations are not always carried out consistently across the range of important policy decisions, with statutory instruments that may include major/regulatory changes often not subject to any public consultation. Government departments should be feeding back on consultations more systematically too, explaining why they have given greater weight to some concerns than others in formulating decisions for example.

Government itself acknowledges that it must be “*clearer about the action it takes as a result*” (OTS, 2006).

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