

# Charitable concerns

Charity leaders raise concerns about anti-advocacy clauses in government awarded contracts

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A group of Charity leaders have called upon the government to end anti-advocacy clauses which prevent charities from delivering government services through campaigning.

The call came in the form of an open letter to *The Times*, whose signatories include: Vicky Browning, CEO, Association of Chief Executives of Voluntary Organisations; Craig Bennett, CEO, Friends of the Earth; Kathy Evans, CEO, Children England; Claire Godfrey, head of policy and campaigns, Bond; Julia Kaufmann, chair, Small Charities Coalition; Amanda Khozi Mukwashi, chief executive, Christian Aid; Polly Neate, chief executive, Shelter; Paul Parker, recording clerk, Quakers in Britain; Paul Streets, chief executive, Lloyds Bank Foundation for England & Wales; Sue Tibballs, chief executive; Sheila McKechnie Foundation and Debra Allcock Tyler, chief executive,

Directory of Social Change.

The letter was written in response to *The Times*' front page story on 12 October which claimed that the Department for Work and Pensions is blocking charities from raising concerns about their controversial universal credit system.

The report claimed that 'Charities and companies working with universal credit claimants have been banned from criticising or harming the reputation of the work and pensions secretary Esther McVey.' And that at least 22 organisations, including charities, have been required to sign gagging clauses as part of their involvement with programmes to help people back to work.

### Contract clauses

The contracts include a clause which state that groups receiving the money (the contracts are worth around £1.8 billion) must 'pay the utmost regard to the standing and reputation' of the work and pensions

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secretary and must 'not do anything which may attract adverse publicity' to her, damage her reputation or harm the public's confidence in her.

They also include a publicity clause which states that the organisations 'shall pay the utmost regard to the standing and reputation of the Authority and shall not do anything which may damage the reputation of the Authority; bring the Authority into disrepute; attract adverse publicity to the Authority; or harm the confidence of the public in the Authority.' The 'Authority' is defined in the contract as the Secretary of State for work and pensions. Earlier this month, there was concerns raised about charity's ability to speak out after the Department for Work and Pensions announced that it was giving Citizens Advice £51 million to help with the roll out of universal credit.

The letter stated in full: 'Sir, Your report on Department for Work and Pensions contracts highlights once again how the use of anti-advocacy clauses in government contracts has the potential to prevent civil society speaking out on behalf of vulnerable people. This is not new: civil society leaders have been challenging the use of anti-advocacy clauses for some years.

'Civil society does not exist solely to provide services. It is also there to give voice to the concerns of those people who often go unheard. It addresses the root causes of issues, bringing frontline experience and knowledge to help to shape policy and bring about change.

'History has shown how important this is. Advocacy has changed minds and improved lives, from the introduction of the smoking ban to the plastic bag tax. Universal credit affects the lives of thousands, and it is more important than ever that charities are free to represent a range of voices.

'We urge the government to end the use of anti-advocacy clauses across all government departments and strengthen the fundamental role that civil society plays in our democracy. Civil society, and the people it serves, must be able to tackle the causes of problems, not just address the symptoms. We must be able to speak truth to power.'

### New standards

This is the latest in a series of campaigns by charity leaders to attempt to curtail recent administrations from limiting their ability to speak out. In December 2016, the government published new standards for grant agreements, replacing the

anti-advocacy clauses it had announced earlier in the year.

Charity leaders had heavily criticised the proposals, stating that they could prevent organisations receiving public funding from providing evidence to select committees or feedback on how policy is affecting beneficiaries. A review of government grants had been announced by the government in the wake of the collapse of Kids Company, which had highlighted a lack of accountability around government grant giving. The government announced the creation of a Grants Advice Panel to consider high risk grants and all departments were also made to introduce a 'robust' grants approval process for grants of more than £100,000.

At the time the minister for the constitution, Chris Skidmore, who led the grants review stated: 'This government is committed to ensuring taxpayers get value

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for money for every penny they spend. The standards we are announcing today will make sure all government grants are awarded with greater transparency, sufficient scrutiny and more accountability.'

Additionally, Rob Wilson, minister for civil society, said: 'The new grant standards announced today will not only increase the opportunity for charities to work with government through improved grant making practices, they will better protect the role of charities to speak out on behalf of their beneficiaries whilst ensuring taxpayers' money is used as intended.'

However, this transparency has been called into question following the most recent allegations. The chairman of the work and pensions select committee, Frank Field, said senior civil servants within the Department for Work and Pensions had felt forced to keep quiet about their concerns over universal credit stating; 'with civil servants saying they have been pressured into silence, it is no surprise to me that the same gagging technique has been used on contractors.'

### A big contradiction

This call for more freedom for recipients

of government contracts was echoed by Kristiana Wrixon, head of policy at Acevo who commented; 'gagging clauses demonstrate a contradiction at the heart of this government's view of the value of civil society: offering funding to provide services or support that treat the symptoms of social ills, while at the same time making clear that campaigning or advocacy that addresses the root cause is not welcome.

'We are asking the government to end the use of anti-advocacy clauses across all government departments, and strengthen the fundamental role civil society plays in our democracy.'

Similarly Labour's shadow work and pensions secretary Margaret Greenwood, has said 'This government's attempts to gag charities is utterly unacceptable and shows how far it is prepared to go in curbing free speech to hide the truth about universal credit.

'Esther McVey must immediately announce that she will put an end to these undemocratic gagging clauses and make clear that they will not be enforced. You cannot contract-out of compassion or free speech.'

The Department for Work and Pensions has denied that the organisations were banned from criticising universal credit and said the clauses protected commercially sensitive information. A spokeswoman said: 'It's completely untrue to suggest that organisations are banned from criticising Universal Credit.

As with all arrangements like this, they include a reference which enables both parties to understand how to interact with each other and protect their best interests. This is in place to safeguard any commercial sensitive information for both government and the organisation involved.'

Sarah Atkinson, director of policy, planning and communications at the Charity Commission said that they had been reassured by the Department for Work and Pensions that charities were not being hindered from speaking out, stating: 'The public rightly expect charities to put the interests of those they help first, and that will sometimes mean speaking truth to power.

'It is vital charities are free to do this. We have sought, and received, assurances from DWP that charities in contracts to deliver elements of the Universal Credit programme are not prevented from speaking out about any challenges that recipients may be facing.' n