

# Community Base

## A Review

### Final Report

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#### **1 Introduction**

As a result of difficulties that arose within Community Base, the trustees asked for an independent consultant to be appointed to carry out a review and this was endorsed by a meeting of members at an Extraordinary General Meeting (EGM) in December 2006. I was appointed as the independent consultant to facilitate the review. Following a series of meetings and interviews, I produced a report in February 2007, which made some recommendations. The Board of Trustees carried out various actions including a review of policies and procedures and, at a further EGM on 16<sup>th</sup> April, the members unanimously supported a motion that the actions of the board met the requirements of the motions passed at the previous EGM (Appendix A).

Some participant groups remain concerned that some of the new procedures are not robust enough but a mechanism exists for those to be reviewed and all agreed that the direction of travel is positive. Several members noted that the review to date had been helpful and significant progress had been made in settling outstanding areas of difficulty and confusion.

So far so good.

Immediately following the EGM, I facilitated a debate to explore the crucial outstanding question of who should be allowed to be based in the building. Those attending the review meeting are listed in Appendix B. We identified external pressures, which may impact on Community Base over the coming years and, through case studies, explored the various issues. The discussion was wide ranging. Those present listened carefully to the range of views being expressed and discovered an encouraging amount of common ground. Fundamentally, all were of the view that Community Base is for voluntary and community sector (VCS) groups and that it is vital that the public perceive Community Base as independent from the statutory sector. A VCS group can be easily defined as not-for-profit and governed by volunteers. However, there are significant grey areas. This report seeks to confirm areas of agreement, identify those grey areas and some of the issues surrounding them and suggest a way forward.

#### **2 Some 'grey areas'**

2.1 Funding is always a pressure and funders can impose conditions, which are at odds with an agency's mission and/or that of Community Base. This can include requiring a VCS group to accept statutory functions, which, in some cases, is highly contentious though it need not be so. For example, a VCS group offering advice and information which results in homelessness being prevented is carrying out a statutory function and may therefore be funded by the local authority. This is a traditional role for the VCS and presents no dilemmas. However, if an agency is charged with carrying out assessments which determine, on behalf of the local authority, whether someone is entitled to a service or an award, some would say that it is now representing the statutory sector and Community Base could risk being identified by the public as a local authority base. Given the differing agendas of some VCS service providers and VCS campaigners, it is conceivable that

Community Base could be housing an organisation that is challenging the role of the local authority which has contracted out its responsibilities to another licensee at Community Base.

2.2 There is an ongoing trend for sound reasons of quality and effectiveness to create multi-disciplinary teams involving workers employed in different sectors. No one is likely to argue against this model but it could result in directly employed NHS or other statutory sector practitioners wanting to be based in Community Base alongside a VCS group which, again, would set a precedent. The critical principle that Community Base is for VCS groups would be undermined.

2.3 Tendering arrangements can require agencies to accept staff from other organisations on their existing conditions under TUPE and it is increasingly common for organisations to second staff to other organisations. A worker who is transferred under TUPE may retain rights from their previous employment but they now work for the new employer. This presents no difficulty. A seconded worker is still employed by their parent organisation but they are now working to the aims and objectives of the host organisation and all secondments are temporary. This also presents no difficulty. However, a statutory agency can place an employee in the office of a licensee and retain full control and responsibility for the content and quality of that employee's work. This is not a secondment but could be presented as one.

2.4 Diverse complex partnerships can threaten the independence of VCS groups. This is a matter for them but if that independence is seriously undermined it could become a matter for Community Base. Many new projects have steering groups, which include representatives of funders and statutory partners. These steering groups tend to manage the direction of the work and can appear to be the accountable body (indeed in most pragmatic ways they are). The project may look as if it is governed by statutory bodies or that it is a different organisation to the one holding the licence. In reality these steering groups are not usually formally constituted and true accountability lies with the trustees of the VCS, which means that no licence has been broken. However, some steering groups grow and develop into organisations as projects put down roots and at that point a new organisation could be created which is outside the licence agreed with Community Base.

2.5 Changing charity legislation is creating new legal structures, which may make it easier to define a charity but the growth of social enterprise raises interesting questions for Community Base as an organisation may not have voluntary trustees and may not be a registered charity but may be investing all its profits into the community. Community Interest Companies present the same challenges. Are they in the VCS or not?

2.6 Two new community buildings are due to open in the 'Station Quarter'. It is important that unnecessary competition is avoided. It would also be unhelpful if a new 'BME' building attracted certain groups away from Community Base and reduced the diversity of organisations in the building. Community Base has not had a history of voids but it may be that the opening of two new buildings will significantly reduce the waiting list to join Community Base. That said, it is clearly good news that there will be more office space available and Community Base needs to continue to work closely with these emerging organisations to seek to complement them. Community Base needs to retain its identity as 'a VCS building' but it has no interest in being the only building for the VCS or other groups.

2.7 It appears that some statutory agencies are keen for their staff to be based at Community Base because it gives them credibility with the public and enables them to work more effectively in delivering services. This is understandable. However, if the principle that it is essential for Community Base to be seen as independent holds, it remains important to resist this pressure regardless of how 'good' the service is.

2.8 Tendering processes and rationalisation of the sector may be improving cost effectiveness in some areas but there is evidence, nationally, that it is reducing the number of smaller service providing agencies in the VCS. This could lead to larger and larger VCS organisations wanting

space at Community Base and the highly valued diversity of agencies, in terms of size and nature of business, could be threatened. There is currently no local evidence that this is having an effect at Community Base.

2.9 Some may wish to pass judgement on what services are offered by agencies based at Community Base (*'We don't want people that do bad things!'*) but it is hard to see how Community Base Trustees could appropriately be evaluating on the quality or intent of its licensees. In an extreme case, however, a mechanism for deciding about whether a VCS group is appropriate may be necessary. Examples provided include a political party espousing racist views or an organisation significantly under-using space when others are keen to move in. No such mechanism currently exists except that the trustees have the power to issue notice provided they provide a reason. This needs further debate by trustees.

2.10 Some licensees invite workers from other organisations to offer services such as training from Community Base. Visiting professionals are welcome and can obviously add value. The line is only crossed if they are based at Community Base. This could be difficult if a Housing Benefit specialist, for example, was offering regular surgeries from Community Base in order to add value to an advice service. The problem of perception reappears as the public could see Community Base as a local authority office and another precedent has been set.

2.11 The policy on allocation of space *'reserves the right (for trustees) to licence or lease space to commercial or other non-community and voluntary organisations if it is necessary for the financial stability of Community Base.'* If such a situation were to arise, the principles set out below would need to be prioritised: would it be more acceptable to offer space to a not-for-profit organisation such as the local authority or to an independent organisation such as a bank?

2.12 Some licensees are large organisations that base one or more projects at Community Base (eg Brighton Housing Trust and Mencap) whereas others are entirely based at Community Base (eg Assert and Working Together Project). In the case of the former, the licence is specific to the project that is based there and the project cannot be fundamentally varied without agreement. In the case of the latter, the organisation is licensed to operate from Community Base and can develop any projects it likes in line with its aims and objectives without any negotiation with the trustees. However, it could get into a grey area if such a development entered any of the murky waters described above.

2.13 Some negotiations between licensees and the trustees need to be confidential. This means that, although reasons for issuing notice will always be given to the licensee being asked to quit, those reasons may not be publicised. This can lead to rumour and feelings of insecurity. It is to be hoped that, over time, the more transparent policies and robust procedures that are in place will provide confidence to licensees that these issues are being dealt with fairly.

### **3 Some principles**

- 3.1 Community Base is for VCS groups (ie not-for-profit and independent of the state sector)
- 3.2 Being seen to be independent of the statutory sector is essential to the identity of Community Base.
- 3.3 Community Base Trustees should not normally judge what its licensees do or how well they do it but may need to become involved if things go badly wrong or space is not being used.
- 3.4 Anybody employed by or seconded to a licensee to work to the aims and objectives of the organisation or project licensed to be at Community Base is welcome.
- 3.5 The names of all staff, volunteers, students and secondees based at Community Base must be provided to Community Base staff for health and safety purposes.
- 3.6 When a licensee is developing a new piece of work it should consider consulting the Community Base staff as early as possible in order to think through whether the development could be seen to be undermining the licence agreement. (Some guidance as to when to consult is set out below)

- 3.7 If an organisation consults Community Base staff about a possible project development, every effort should be made by both parties to ensure that a successful project can be developed AND the independence of Community Base is maintained and seen to be maintained.
- 3.8 It is the duty of Community Base Trustees firstly to maintain the independent ethos of the organisation and, secondly, to enable its licensees to develop their services.

#### 4 When should a licensee consult Community Base about a development?

If a scenario is straightforward a simple email exchange should suffice. Greyer areas will need more careful conversations.

Example	Consult?
You are recruiting a new worker, secondee, student or volunteer	No need to consult, simply inform
You are inviting a statutory partner to provide a service temporarily (eg training)	Inform
You are inviting a statutory partner to provide a service indefinitely (eg advice sessions)	Consult
You are planning to change the aims and objectives of your organisation or the project based at Community Base	Consult
Your organisation is based at Community Base and you are planning a new project which is entirely within your organisation	Inform (and explain if the management arrangement could be easily misinterpreted)
You are planning a new project which will involve basing staff from a different organisation to yours in your office	Consult

#### 5 Trust

At the meeting, participants talked about trust. Licensees wanted to be trusted to get on with project development without having to check with Community Base for 'permission'. They can find this intrusive. Meanwhile Community Base staff and trustees wanted to be trusted to make decisions in the interests of the organisation as a whole, which were not perceived as arbitrary.

Trust is needed. For licensees to be able to trust Community Base, they quite rightly need to know that adequate policies are in place and the trustees are properly equipped to make good decisions. Similarly, for Community Base staff and trustees to be able to trust licensees, they need to know that licensees can act as Community Base *members* and consider the impact of a decision on the identity and ethos of the building as a whole.

The way to build up that trust is for Community Base trustees to continue to rigorously review policies and procedures and transparently audit their own skills and decision making processes AND for licensees to commit to demonstrating their understanding of the complexity and significance of some of these decisions by, if necessary, over-consulting. As all sides become more confident in each other's capacity to engage with the issues of concern to the other, the notion of 'sides' will diminish, a shared understanding will develop and the consultation process will become straightforward and less onerous.

#### 6 Outstanding issues

The meeting did not discuss, in any depth, the question of how to deal with the following questions:

- Are social enterprise companies that are not governed by trustees part of the VCS and are they eligible to trade from Community Base?
- If it becomes necessary for financial reasons to lease space to an organisation that is not from the VCS, which principle should be abandoned first: not-for-profit or independence?
- How should Community Base decide whether an organisation that meets the criteria is appropriate (eg an anti-abortion group)?

My personal recommendations are as follows:

- Social enterprise companies should be allowed to trade from Community Base because they are not-for-profit and independent. Their activities would obviously have to be manageable for reception as with any group.
- It is preferable for a profit-making commercial body to be allowed into Community Base than a statutory body because, although this would be culturally challenging, it would maintain the unique feature of Community Base that it is not part of the state.
- Contentious and politically sensitive groups will have to be considered on a case-by-case basis by the trustees.

## **7 Next Steps**

This report will be considered by the trustees of Community Base at their next meeting on 8<sup>th</sup> May. Participant groups will have an opportunity to consider this report and the trustees' response to it at their meeting on Thursday 31<sup>st</sup> May.

## **8 Conclusion**

This report concludes the independent review. There are systems in place for participant groups to continue the debate and continue to review how well Community Base is working.

Community Base now has a set of policies and procedures, which should prevent some of the difficulties from arising again. It also has begun a really important conversation about why it exists which, I hope, will enable all those involved in Community Base to listen carefully to each other's perspectives and rediscover a shared commitment to maintaining and developing a strong independent voluntary and community sector resource.

Thanks again to all those who have engaged so positively.

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## **Appendix A**

### **Motion passed at the Community Base extraordinary general meeting on 16<sup>th</sup> April 2006**

This general meeting considers the review of policies and other actions carried out by the board of trustees meet the requirements of the motions passed by the extraordinary general meeting of 14<sup>th</sup> December 2006.

## **Appendix B**

Those present at the review meeting following the extraordinary general meeting on 16<sup>th</sup> April 2007.

### **Present**

Sylvia Alexander-Vine – Community Base (CB) Trustee  
David Botibol - Assert  
Paul Bramwell – Working Together Project  
Colin Chalmers - CB Staff  
Debbie Charman - Carers Centre  
Ros Cook – aMaze  
Bob Cristofoli - CB Trustee  
Paul Evans - NHS Support Federation and CB Trustee  
Jane Frost - Assert + CB Trustee  
Tina Harrison - TB Alert and CB Trustee  
Sally Hiscock - Community and Voluntary Sector Forum  
John Holmstrom - Brighton Housing Trust  
Annette Moss – CB Staff  
Deborah Sprackling – CB Staff  
Alison Whiteoak - Carr Gomm

### **Present very briefly**

Viv Niragira - Ryico  
Naima Nouidjem – Mosaic  
Bert Williams – Black History

### **Apologies**

Sarah Bourne - Millennium Volunteers and CB Trustee  
Arran Evans – Sussex Interpreting Services  
Lucy Stone – CB Trustee