

Government Funding & Social Justice Advocacy

by Brian Harvey



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The findings expressed in this publication are those of the author and do not necessarily represent the views of The Advocacy Initiative.

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Foreword

The questions about the relationship between state funding and social justice advocacy go to the heart of why we formed the Advocacy Initiative in 2008, but these questions have also been amongst the most difficult to address.

In the run up to the unfolding economic and social crisis there was a widely held view in the community and voluntary sector that government, through its funding arrangements, was actively suppressing the independent, critical voice of social justice advocates. The Advocacy Initiative undertook to explore this issue and gather evidence of what was actually happening. The first stage of this work was the report *Funding Dissent*, published in 2013. The next was to explore the 'ground truth' — to document the experience of those doing advocacy while in receipt of state funding. This report is the product of that research inquiry.

This is a significant and extensive piece of research, consisting of 94 interviews and 23 written communications, primarily with organisations that have received state funding. Indeed it is a much larger project than initially envisaged and for that, and the quality of the report, we thank Brian Harvey for his commitment, energy and professionalism. This report documents the experience of community and voluntary organisations of their funding relationships with government: relationships of support, inhibition, and suppression.

This is the last in a series of research projects that have been undertaken by the Initiative including a mapping of social justice advocacy, a study of the perceptions of policy-makers of advocacy and a public opinion survey. Together they form a much fuller picture of the challenges facing social justice advocacy in Ireland. We now know more about advocacy, its practice, its effectiveness and how it is perceived in the wider political system. We know more about our limitations and our strengths, and we understand better the perspectives of all of those in the policy-making process. It is up to each of us to individually and collectively consider the implications of this learning. We are confident this process will continue long after the Advocacy Initiative itself has ended in the summer of 2014.

As this research unfolded, it became clear that there are no comfortable answers to the questions being asked. The answers in any case are not simple, and each generates its own set of challenges regardless of whether the state supports, inhibits or suppresses advocacy.

The experience of commissioning this research demonstrates that some things are difficult to talk about, and are sooner left unsaid. This can happen when there is insufficient common ground so that any discussion quickly becomes argumentative and destructive; or when there is fear of negative consequences of raising an issue; or when there is insufficient trust and people feel their views will not be heard and respected. But this project also demonstrates a collective awareness of the consequences of not speaking out, of not asking the hard questions, and of not contributing to finding solutions. The decision to participate in this research was not always an easy one for those who engaged with the researcher. We are very grateful to those who did.

It is our ambition that this research facilitates a dialogue within the community and voluntary sector and with our state funders that can address the questions relating to public funding and advocacy. The research raises deep questions for all of us concerned to ensure social justice advocacy is effective, regardless of which side of the policy-making process we stand on.

Through the work of the Initiative we have also become aware of the severe pressures on the State and its agents. Difficult decisions have had to be taken. We can understand how sensitive to criticism those who have to make such decisions are as they try to secure public acceptance of unpopular measures. We aim in the coming months to take every opportunity to engage where possible with public sector organisations on the findings in the report and on how we can work more effectively together in serving the public, especially the more vulnerable.

The accounts documented in this report are not tested against the views of the public sector organisations and the personnel involved, but it is hoped they will be in the debates and discussions that now follow. This report will allow us to consider the variety of experiences documented in a systematic and constructive way. Last year's study on the perceptions of policy makers, *In Other Words*, gave us a different part of the picture.

Not everyone will recognise the experiences described. Those whose experience is of their advocacy being constrained may struggle to accept a view that government also supports effective advocacy. Equally those whose experience is of being supported may struggle to accept a view that government suppresses dissent.

This report is being published in January 2014, at time when the crucial importance of openness, transparency and accountability are particularly topical because of recent abuses of state and charitable funds. The engagement demonstrated by those who contributed to this report shows deep commitment within our sector to these values of openness, transparency and accountability.

Our commitment to these values comes from a foundational belief that by hearing the voices and perspectives of those experiencing poverty and exclusion Ireland will be a better place for everyone and our democracy will be stronger. Social justice advocacy contributes to the quality of our democracy and decision-making by amplifying these voices. State funding has a key role in making this work possible.

The ambition of the Advocacy Initiative is to reframe the relationship between social justice advocates and the state so that our advocacy is more effective and impactful. Realising our full potential requires that the funding relationship with government is explored and understood, and that it can evolve. We hope this report and the stories in it, contribute to that ambition.

[Kieran Murphy, Chairperson, The Advocacy Initiative](#)

Executive Summary

This is an account and analysis of the experience of the funding relationship between the state and voluntary and community organizations engaged in public policy advocacy in Ireland. This narrative, based on 94 interviews and 23 written communications, follows the context outlined earlier in *Funding dissent: research into the impact on advocacy of state funding of voluntary & community organizations* (2013). It tells the story of the voluntary and community side of the funding relationship, with the relationship analysed on a continuum under the headings of the state support, inhibition and suppression of advocacy.

First, there is a well-recorded set of examples outlining ways in which the state supports advocacy, the best being social and environmental partnership. The state has supported a range of national voluntary organizations in their advocacy work, funding, welcoming and respecting their contribution. Examples were cited in the areas of legal services, men's development, health and education. Despite their outspokenness, their advocacy has not been challenged nor funding issues raised. Local advocacy work has been supported through community platforms. At the same time, voluntary organizations have devoted considerable time to managing their relationship with government departments and state agencies.

Second, in examining the manner in which the state inhibits advocacy, there are numerous examples of the ways in which voluntary and community organizations have to, in their words, 'tread a fine line' in what they can say for fear of risking reprimand and a loss of funding. Participants recounted that many departments and agencies made it clear that there were limits, sometimes narrowly circumscribed, as to what funded organizations could do or say, 'red lines' they could not cross, accompanied by close supervision and micro-management. The two chief instruments whereby the state inhibits advocacy are the informal 'services-only' paradigm, whereby voluntary organizations may only use state funding for providing 'services'; and clause §2.8 of the Service Level Agreement (SLA) of the Health Service Executive prohibits the use of funding for any attempt at persuasion in matters of policy or practice. This study finds that these two instruments were in widespread use. Although inconsistently applied, they had a general effect in driving advocacy underground. A third instrument for limiting advocacy was identified by interviewees, who spoke of a worrying range of examples of the stricter, but also inconsistent application of the Charities Act 2009 to deny charitable status to organizations engaged in campaigning activity.

Third, there was a compelling body of evidence of the manner in which the state had suppressed or actively prohibited advocacy, crossing the border from inhibition to an element of deliberation. The prime example was the Community Development Programme, where detailed documentation and case studies pointed to dissent as the most convincing explanation for its closure. Suppression was then examined under particular instances where it was documented, where voluntary and community organizations had been in the media, held conferences or presented publications (text or film). There was evidence that they had lost funding, or had been threatened with loss of funding as a result of their advocacy, with the insistence in some cases by funders of their right to censor. It was evident that some issues were especially sensitive, such as development education, women, childcare and corruption, with examples of organizations that had spoken out of turn having to repay grants.

In conclusion, there was an emerging narrative that a strategic turn took place in the relationship between the state on the one hand and the voluntary and community sector on the other after publication of the government white paper *Supporting Voluntary Activity* (2000). This took the form of the cancellation of the policy unit (2002), leading to the closure of the Community Development Programme (2010) and the alignment process (2013-4); and, in parallel, the introduction of the services paradigm and the SLA §2.8 no-advocacy clause. Those who tried to open up a debate about the limits and permissions of advocacy found it a futile experience. The research brought into question the capability of the civil and public service to manage advocacy. In the experience of the interviewees, most civil or public servants were neither trained nor equipped to work with voluntary or community organizations nor the issues associated with them.

Finally, the voluntary and community sector in general and The Advocacy Initiative in particular were presented with a task list:

- The importance, despite the difficulties and likely reluctance on the government side, of developing a space where voluntary sector / governmental relationships, including such contentious areas as advocacy, may be developed in a place of structured dialogue.
- The need for the state to re-affirm the principles of the autonomy and right to advocacy of voluntary and community organizations as expressed in *Supporting Voluntary Activity*.
- The need to affirm the value, as explored in *Funding dissent*, of an advocacy-minded voluntary and community sector that contributes to both the 'good society' and quality public administration. Voluntary and community organizations are known to contribute knowledge, expertise, ground truth and a long-term perspective to the policy-making process. They ensure the participation of disadvantaged groups and minorities. They have important roles as watchdogs and assist government in the buy-in to and communication of policies.
- The need to highlight examples of good practice, such as the funding of organizations in social partnership, local and national, with a small number of individual examples, such as MOUs between voluntary organizations and funders.
- The need to challenge the bad practices of the Irish state, as exemplified by its restrictions on advocacy, micro-management, authoritarianism, censorship, personalized and other forms of extreme behaviour. Specifically, there is a need to challenge and overturn the 'services-only' paradigm, with its pernicious consequences for advocacy, as well as the no-advocacy clause §2.8 of the SLA template.
- The need to challenge the inconsistency of behaviour of civil and public servants in their dealings with the voluntary and community sector, with the development of a code of guidance that will promote a more consistent and respectful approach, assisted by training.

Introduction

The Advocacy Initiative is concerned with evidence that Non Governmental Organizations (NGOs), or more familiarly termed voluntary and community organizations, have experienced funding cuts or been threatened with funding cuts as a result of policy advocacy activities that they have undertaken. The Initiative formed the view that the issue required more in-depth, systematic analysis to:

1. Determine whether, assuming this has taken place, resources and dialogue with and access to the state had been affected and in what way.
- and
2. Come to more precise conclusions as to the nature of this relationship. 'Advocacy' is understood to encompass what may also be called 'campaigning' and 'lobbying' by voluntary and community organizations and their engagement with the institutions of the state on matters of policy and practice. This research acknowledges, but does not address the important field of casework advocacy for individuals.

The first stage of the research was to investigate the context of the relationship between the state and voluntary and community organizations in respect of policy advocacy. This was published by The Advocacy Initiative in 2013 as *Funding dissent*.¹ The second stage of the research was to investigate the actual experiences of voluntary and community organizations of the funding-advocacy relationship, looking for the full range of such experiences: positive, neutral or negative. *Funding dissent* had cited a small number of episodes, but the sample was too small from which to draw definitive conclusions. Accordingly, The Advocacy Initiative published an invitation to voluntary and community groups to contribute their experiences (February 2013). The writer contacted these and other voluntary and community organizations known to him (April 2013), with a view to obtaining comments in writing or during telephone or personal interview (April - June 2013). The number of contributors greatly exceeded expectations, indicating the significance of the issue. Whereas some contributors were happy to be identified, most preferred to participate on a not-for-attribution basis. Identifiable texts were all checked with named organizations (July 2013) to ensure that they were an accurate representation of their story and views. Those who replied came from large national voluntary federations to small, community-based groups; from a broad range of sectors and interests (e.g. women, children, disability, Travellers, unemployed); from large service providers to small advocacy groups; from Family Resource Centres to neighbourhood youth projects and local area partnerships (see Annexe 2). The research covers a broad range of voluntary organizations across sectors, of different types of action (from 'insider' to 'outsider'), role (e.g. provision of services, educational, representational), size (small, medium and large); remit (local, regional and national) and style (from one-to-one phone calls to public demonstrations).

The Advocacy Initiative did not have any preconceived notions as to the nature of the stories that would be told, nor of their direction. The letter of invitation invited experience across the whole continuum, asking for responses under the heads of 'promote, restrict or inhibit'. In the event, the experiences of voluntary and community organizations crossed a spectrum from positive to negative, which are categorized and explained under the headings of 'support', 'inhibition' and 'suppression'. Those who responded set their own time frame as to how far back in time they considered stories

1. Advocacy Initiative: *Funding dissent - research into the impact on advocacy of state funding of voluntary and community organizations*. Dublin, author, 2013.

relevant and that is respected: most come from the past five to ten years, with a handful going back to the 1990s. Where still relevant to the current narrative, they have been included.

This research is an attempt to bring together the lived experience of voluntary and community activists, coordinators and managers, together with other informed observers, including a small number familiar with or experienced in both the voluntary and community sector and the civil and public service; and relay it in a structured and analytical way. It attempts to tell, as well as possible, one side of the story. These stories are not triangulated with the experiences of all the other actors of each story therein and do not try to reach an agreed interpretation of each event from all the participating parties, which might well prove impossible in any case. This story hopes that by doing so, it will bring a hitherto unheard side of the narrative to the table and thus prompt an enlightened discussion.

Acknowledgements

My thanks go to those who contributed their experiences through written comment, personal or telephone interviews; and for their checking and commenting on texts subsequently. Many went to considerable effort to make their experiences known and provide supporting documentation and I thank them for their troubles and trust. A small number also assisted but preferred not to be identified and that is respected.

My thanks go to the members of the reference group who provided advice and comments which were very highly valued: Camille Loftus, Senan Turnbull, Robin Hanan, Mike Allen and Diarmaid Ó'Corrbaí. I also wish to thank the supervisor of the project, Anna Visser, for her help and assistance.

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The core challenge of this research was to come to conclusions as to the manner in which the Irish state financially supports advocacy or not. Although a straightforward question, *Funding dissent* indicated that the answer was not a simple one, for the documentary record uncovered a range of experiences from the positive to the negative, with many points along that spectrum, with the state's behaviour often inconsistent not only between but within its many institutions and agencies.

It should be no surprise to find that the actual experience, as investigated here, confirms the range and complexity. In order to simplify this experience, it is gathered under three main headings: the state *supporting, inhibiting and suppressing advocacy* (chapters 1, 2 and 3), exploring the many dimensions therein, while chapter 4 will analyse the emerging pattern and attempt to extract conclusions.

This first chapter will explore the experience of ways in which the state has either actively supported advocacy work, or else done so passively, what might be called neutral support. Social partnership is seen by many voluntary and community organizations as the way in which the state most expressly supports advocacy (1.1), but there are many other examples of state support for national-level advocacy (1.2). Advocacy is supported at a local level by a variety of agencies, such as the Health Service Executive (HSE), although examples to the contrary will be recorded in later chapters (1.3). Some of the complexities and conditionalities of state support for advocacy are then explored (1.4). Conclusions are drawn (1.5).



Social partnership

Perhaps the most outstanding positive contribution of government to the advocacy work of national voluntary organizations is its funding for participation in national social partnership. In the early 2000s, government responded positively to requests from the participating organizations in the Community & Voluntary Pillar that would enable them to carry out policy research, analysis and what is called 'representation and dialogue'. Commitment to a social partnership grants scheme was given in *Toward 2016*. Originally €1m a year, the amount has steadily fallen and is presently €565,200.² Participating organizations must apply and subsequently account for their spending.

Social partnership has also created subsidiary opportunities for the state to support advocacy. In 2000, the Community and Voluntary Pillar was allocated €20,000 funding to develop health targets for the National Anti-Poverty Strategy. A working group of the pillar duly researched the issue, meeting groups around the country concerned with health-related aspects of poverty. A report was compiled as a substantial formal submission to the National Anti-Poverty Strategy, leading to the adoption therein of health targets. This evolved into structured consultation formalized under *Toward 2016* whereby the working group came to meet quarterly with the Department of Health.

The Environmental Pillar is funded separately.³ This funding has enabled the pillar to make a significant contribution to policy in such general areas as agriculture, climate change and the sustainable development strategy, with specific contributions on the Common Agricultural Policy, insulation and the review of the Environmental Protection Agency. Its work has never, in its view, been constrained by the department concerned and may even have enabled those in government departments concerned with environmental issues to advance their own agendas across a broader front.

2. Dail Eireann, *Debates*, 1st May 2013, 703. The beneficiary organizations are Social Justice Ireland, The Wheel, The Irish National Organization of the Unemployed, the Society of St Vincent de Paul, Disability Federation of Ireland, Irish Council for Social Housing, Carer's Association, Age Action Ireland, National Youth Council of Ireland, National Association of Building Cooperatives, Children's Rights Alliance, Irish Rural Link, National Women's Council of Ireland, Community Platform, Protestant Aid, Irish Senior Citizen's Parliament, Congress Centres Network (2013 figures). The selection by government of organizations invited to participate in social partnership and their mandate is a separate but important question.

3. €180,000 in 2012, drawn from the plastic bag levy and landfill levy (Dail Eireann, *Debates*, 1st May 2013, 703).

Organizations participating in social partnership have found it a positive experience. The funding is considered to make a major contribution to enable them to find the staff time to contribute to social partnership meetings and to carry out the background analysis, research and proposals. From the point of view of the advocacy link, participating organizations report that they 'have never been told off for their advocacy work in social partnership, nor received inappropriate comments back'. Another reported how 'we received our fair share of comment for what we said, but it was never linked to our role as a charity or our right to analyse. Most people, such as Oireachtas members and government departments, seem positive about what we do'. Officials tell them 'we hear what you are saying'. Social partnership funding is high-profile and seen as providing a certain level of protection. The funding is unrestricted: 'they may not like what we are saying, but our right to say it is never challenged'.

1.2

National-level advocacy

Many national organizations receiving substantial statutory funding spoke of how they had undertaken advocacy work at national level. Although they took care as to how they developed their advocacy strategies, they were very clear that government departments and agencies had never used funding as a lever to influence what they said or how they might say it. They spoke approvingly of what they considered to be an enlightened state view of the advocacy field, referring positively to the way in which the state had funded the advocacy services such as through the Citizens Information Board (although primarily working at individual level). Some individual state agencies were commended for their enlightened approach and role. One think tank had the experience of successfully applying to the Equality Authority for work on gender equality analysis which was subsequently published: it found the Authority to be supportive and enthusiastic about the amount of media coverage achieved by the subsequent report. The Men's Development Network is a clear example of state support for advocacy.

Case study:

Government supporting advocacy work for men

The Men's Development Network's (MDN) advocacy work stems directly from the frontline work for which it is supported by government. MDN is able to gather and feed back to government and policymakers the issues with which men deal in their lives and the sort of supports that they need. As a result, government through both annual funding and once-off funding of specific initiatives has supported many responses that MDN has provided to these issues and needs. The Department of the Environment, Community and Local Government's annual funding supports MDN's engagement nationally, including bringing this information about men to key organizations such as the Irish Local Development Network (ILDN) and local development companies. It has also provided specific funding for MDN's International *White Ribbon Conference* (Dublin) 2013 advocating for men's involvement in ending violence against women. The Department of Social Protection (DSP) and the HSE provided funding for MDN's research on the effects of unemployment on men, its promotion of solutions and support for these men, leading to MDN training for DSP staff. The Department of Justice, through the National Office for the Prevention of Domestic, Sexual and

Gender-based Violence (Cosc), has provided awareness raising funding for MDN's campaign against men's violence against women and the *White Ribbon* campaign. Cosc, has also provided funding to MDN for research with GPs, HSE workers, An Garda Síochána and others promoting their Men Ending Domestic Abuse (MEND) programme. The HSE has funded MDN's work in the development of two Traveller men's development manuals from research done with Traveller men and service providers to identify and respond to Traveller men's needs and to provide training toward advocacy and implementation. The HSE funds MDN's participation in the promotion of the development of gender mainstreaming training for the HSE. The HSE has funded MDN's surveys of and promotion of men's engagement with community development projects and Family Resource Centres (FRCs) across Ireland. The Department of Health, through the HSE, funds MDN's promotion of men's health both nationally and as advocates for men's health at community level as part of the implementation of the National Men's Health Policy. The HSE funding also involves MDN fully in the delivery of the *Engage* training programme.

An unusually clear case of the state supporting an organization which engages in advocacy is that of the Free Legal Advice Centres (FLAC). Although FLAC has, since it was established, provided legal advice services, it has always been a prominent national campaigning organization.

Case study:

The state supporting legal advocacy

An example of the state funding an organization which provides a combination of services and advocacy is FLAC, which was established in 1969. FLAC provides a network of free legal advice clinics across the country, supplemented by telephone information and publications. FLAC is one of the most prominent national voluntary organizations working in the area of legal rights, not only in its policy work but strategic litigation, some of which brings it into direct confrontation with government. Although for a long period its funding was uncertain, for some time now it has received a regular annual grant from the Department of Justice and Equality, €98,000 in 2013, for which it returns service reports and accounts. This grant is to assist with the provision of its legal information and advice services and it receives funding from other departments and the Citizens Information Board. The department cites its services as an important supplement to the state network of legal aid and advice services. According to FLAC, there is a recognition by the department that 'we both have a job to do'. FLAC had never received an inappropriate comment back about its advocacy or policy work from either the department or the minister, while other ministers had spoken highly of them, even if not funding them.

There were a number of aspects to this support. First, national voluntary organizations spoke of positive responses to advocacy work, but some suggested that this was in part due to a convergence of voluntary sector agendas with parts of government. In one case, officials in the principal department to which it worked spoke of how it welcomed 'voices on the outside' but which also reflected their own thinking.

Second, there was a wide range of examples where the state was more permissive than supportive. One large national voluntary organization in receipt of Department of Health funding stated that it has never felt

inhibited in its advocacy work because of that funding: 'we don't feel that there are any no-go areas'. One prominent national organization, which had received a variety of state funding sources over the years, stated that 'we never had our knuckles rapped. Our challenges to the state were never popular, we know they were unwelcome, but our funding was never questioned'. The state was neutral, neither encouraging nor discouraging.

The principal national funding scheme for voluntary organizations is run by the Department of the Environment, Community and Local Government. Called the scheme of funding for national networks and federations, voluntary organizations found it to be somewhere between neutral and supportive, one organization saying that 'we were never restricted in what we did. On the other hand we never heard a word back from the department about anything. The hands-off approach from the department allows a welcome degree of autonomy, but the lack of relationship between the department and the organization can be a difficulty when one scheme comes to the end and you are submitting applications for the next scheme. It's a bit like reinventing the wheel!'

Another group working in the community development field said that 'the state had become less interested in community development. There has been a clear change in perspective. But we have never actually been told not to do advocacy'. This picture of permissiveness, or even neutrality, is confirmed by a former state official who commented: 'we never said that voluntary organizations we funded should or should not do advocacy. Voluntary organizations were never pulled up or audited for their advocacy work. You can't really separate out advocacy work from other work. Our main concern was that their services were effective'.

Third, there was a number of examples where, when an organization was challenged, the state was prepared to support its advocacy role. BeLonG To has found an encouraging level of state support for its campaigns to promote the rights and safety of lesbian, gay, bisexual and transgender young people, receiving funding from the departments of Children and Youth Affairs and Education and Skills, the HSE's National Suicide Prevention Office and European and HSE funds to support LGBT asylum-seekers and refugees. When critics on the religious right questioned its funding, the Department of Education and Skills, having asked BeLonG To a number of questions about funding, expressed its support. This was all the more notable because BeLonG To had been critical of government, for example the lack of mental health services and guidelines on homophobic bullying. It is aware that officials come under pressure from hostile parliamentary questions about its funding and that it must be ready to respond to them.

An unusual example of a government department supporting Traveller advocacy came from Waterford, where the Traveller project objected to a planning proposal that would have negatively impacted on the Traveller community. The developer sent out a widely-distributed circular complaining about the objection and the local partnership did not vindicate the Traveller project's right to engage in the planning process, including objection to planning permission. The Department of Social, Community and Family Affairs however formally weighed in, supporting this right to engage and to object. Cuts to funding can raise suspicion that the reason was advocacy work, but the reality can actually be more complicated, as this case illustrates.

Case study:

Being cut for advocacy - or not?

One prominent national voluntary organization was suddenly hit with a 50% budget cut. An immediate reaction was to suspect that this was due to its advocacy work, which was universally recognized as outspoken and effective, but there was no particular incident that appeared to prompt such a reduction. The issue was raised in the Oireachtas and the chief executive was telephoned by the minister who blamed civil servants: 'I don't know why they did this to you, I hear good things about you'. It transpired that the civil servants 'did what civil servants do, they found an opportunity to make a cut'. Funding was restored. The advocacy work as such had not been a problem.

Another organization which lost all its funding attributed it to a bad application: 'I never felt that our advocacy work went against us', its representative commented.

1.3

Local-level advocacy

Although later chapters record the inhibition of local advocacy, contact with many Family Resource Centres (FRCs) finds that for many of them, advocacy has not been a problem. As was the case with some national voluntary organizations, such support is largely permissive. As one FRC put it, 'the HSE makes it clear that it funds us to do particular jobs, not advocacy, but at the same time has never questioned our advocacy work'. As was the case with national advocacy, local advocacy was especially welcome when it assisted internal reform. This was the experience of another FRC: 'if you collect evidence, you are fine. We made a complaint about the lack of local services. The official in the health service seemed glad to get it, followed it up and brought it to his committee and it was ammunition for his efforts to get improvements'. Again, state and voluntary sector agendas had converged.

Support for community platforms is an example at local level that matches state support for social partnership at national level, as the case study of community platforms shows.⁴

4. Following the reform of local government in 1996, consultative bodies of community-based organizations were formed, normally called, in each local authority, a 'community forum'. In some local authorities, a consultative body was formed for those groups dedicated to promoting social inclusion, the term applied being 'community platform'.

Case study:**South Dublin Community Platform**

With the reform of local government in the 1990s, the Department of the Environment provided funding for community forums to bring together voluntary and community organizations in each local authority area. In South Dublin County Council, the departmental grant was divided evenly between the community forum and the South Dublin Community Platform, which brought together organizations in the county concerned with social inclusion (for example, Traveller groups). Both the forum and platform had a seat on the local Social Policy Committees (SPCs) and other county structures. The platform had complete freedom to act on policy issues at local level and 'this was never an issue with the officials'. Critics will point out that funding for local advocacy like this has now receded to the point of insignificance. In South Dublin, total funding is €16,000, split between the forum and the platform. Whereas the platform used to employ two people, such funding does not now even enable employment of a part-time worker. In other parts of the country, the forum and platform have merged to try keep going.

The focus of this report is on public policy advocacy, but here we have an example of the state inviting in an advocacy service with both a client and public focus:

Case study:**Mental health advocacy**

The mental health advocacy service provided by Support-Training-Education-Employment-Research (STEER) in Derry is an interesting case study for more than one reason. First, it is an example of a proven service from Northern Ireland being invited across the border to develop in the Republic. Second, for our purposes, it is interesting that the service was invited in, as a mental health advocacy service, on the initiative of civil servants and the Minister of State in the Department of Health at the time, Tim O'Malley. The service was invited in 2005, a five-year contract being subsequently renewed. STEER representatives sit on the Donegal Mental Health Service Policy Group and the Donegal Catchment Team and the service is a well-settled, recognized part of HSE services in the north-west.

1.4

Complexities and conditionalities

This chapter has, so far, presented some clear examples of the state supporting advocacy at both national and local level. Such support has ranged from the explicit to the permissive and has been especially evident where agendas between the two parties have converged, but there are additional layers of complexity to temper this picture.

Quite a number of voluntary organizations appeared conscious that their advocacy was tolerated because both they and state parties knew that they had a low level of state funding: 'we never felt constrained, but we only get 5% of our funding from the state anyway'. Some organizations benefit from having significant other forms of independent funding or are perceived to be politically protected and as a result can be outspoken. Some organizations were conscious that it was known that they had a big public fundraising capacity and as a result were reasonably free in what they could say. One organization had a reputation for being 'politically protected', with friends in the Oireachtas, though was not sure how true this was. Another: 'we feel that financial independence may give us a cushion'. Many voluntary organizations pointed out how politicians had often said how much they valued their advocacy role, but their compliments had never touched on the issue of who should pay for that function: 'We haven't had that conversation yet'.

Many advocacy organizations were very conscious as to how they should make their advocacy style acceptable to those on the inside. One national voluntary organization reported, as others did, that when they complained publicly about cutbacks and had experienced some tetchy feedback. They developed a sense that 'what the government did not like was you having a go at them publicly. They preferred quiet conversations on the inside that said the same thing'.

This question of 'style' was emphasized by informants from the civil and public service who stressed that the state responded well to advocacy that was seen to be measured, balanced, that would work, be deliverable and not have harmful or unintended side-effects. Advocacy that presented new

ideas or solutions was especially welcome. The state liked advocacy to be presented tactfully and conversely reacted badly to strident or polemical advocacy. Voluntary organizations confirmed this. One national voluntary organization took the view that its outspokenness had never been an issue, but ‘we were conscious of not bellowing without substance. We try to be evidence-based. We believe we are recognized as reasonable and doing our job. We make a particular point of not surprising the civil servants: they don’t like surprises, so we alert them to publicity in advance and make sure we don’t surprise them on the airwaves’.

Making advocacy acceptable is not just about argument, but about language. This is especially the case with the HSE: one project worker spoke of how ‘the HSE has a language around advocacy, which is about inclusion, participation, target groups and better representation and “a soft zone” in there where we now pitch our message. So our work was not explicitly about policy change or threatening to their work. We encountered no resistance, no “you are going too far”, staff welcomed our activity as it delivered on their targets of inclusion and participation and we even got a grant during “austerity”’.

This process was well summarized by one organization, which had a positive experience of being funded for advocacy: ‘We invest a lot in relationship-building. We try to ensure that we maintain positive relationships with those with whom we work in government departments. We consciously try to soften that relationship and we work hard to disarm them. We sympathise with their level of overwork, as civil servants are often extremely over-stretched. We try to provide solutions for them and not just present them with problems’.



Conclusions

This chapter shows how the state has supported advocacy both nationally and locally. The highest, purest form of such support has been through social and environmental partnership, where such financial support has been used explicitly to support voluntary and community organizations in their policy role. Voluntary and community organizations, working both nationally and locally, have spoken of how the state had positively regarded their advocacy and policy contributions, their long-standing advocacy role unquestioned. Government has even sided with voluntary and community organizations when that role has been challenged. We know that voluntary and community organizations in social partnership have made an impact quite out of proportion to their size.⁵

At the same time, this picture is moderated by a number of factors. First, a substantial amount of advocacy appears to be permitted, rather than explicitly encouraged, which opens up the possibility of later challenge. Second, it is clear that many voluntary and community organizations go to some lengths to design their advocacy to be acceptable, even polite. At one level, this shows the pragmatism and adaptability of voluntary organizations to the advocacy environment, but at another it might suggest an acknowledgement of some forms of subtle limits. Third, advocacy appears to be especially welcome when linked to converged agendas, or where it helps reform or 'reformers' within the state or its agencies.

Finally, it suggests there are some unresolved issues. Whereas organizations with little state funding felt more free to advocate, is there a corresponding implication that those with more state funding should be more careful? Although public representatives welcomed the advocacy role of voluntary organizations, to what degree does that welcome include a preparedness to underwrite such a role financially?

5. Larragy, Joe: *Asymmetric engagement: the community and voluntary pillar in Irish social partnership*. Manchester, Manchester University Press, 2014 (forthcoming).

Defining 'support' for advocacy, as was done in chapter 1, is relatively straightforward. The state-voluntary sector relationship, at least in respect of funding, is found on a continuum that runs from support to, in its extreme form suppression (chapter 3). This chapter is termed 'inhibition', even though the dividing line between 'inhibition' (chapter 2, here) and 'suppression' is not always clinically distinct and may combine elements of both. 'Inhibition' is used as a general term to examine ways in which the state has discouraged, restricted or impeded advocacy, generally indirectly rather than overtly. There is first a general exposition on how the advocacy work of voluntary and community organizations has been inhibited (2.1), followed by specific ways: the 'services paradigm' (2.2) and the 'no advocacy' clause of the HSE Service Level Agreements (2.3), followed by the increasingly restrictive application of the term 'charitable' by the Revenue Commissioners (2.4). Conclusions are drawn (2.5).



General inhibition: 'Treading the fine line'

This research encountered a number of experiences of voluntary and community organizations in which advocacy had been inhibited. As one community group put it, 'we are happy with what we say - but we are conscious that there is a fine line between what you say and keeping your funding', especially with funding coming up for renewal. This 'fine line' is very much the theme of this section. One national voluntary organization issued a press release about a national strategy related to social inclusion which was launched in late 2011. The contents of this press release were quickly challenged by the government department concerned. According to the organization, the department was well within its rights to issue the challenge, but the tone of the response was quite disproportionate. 'It may have been a case of ministerial over-reaction. The outcome, though, was that we would think twice before criticising. We are now more circumspect'. A smaller voluntary organization raised the issue of institutionalized racism, a concept that would have been familiar to British-trained staff, but was too much of a challenge for Irish social workers and nurses, who personalized the issue ('I've never been so insulted in my life' it was reported), followed by the threat of legal action. The 'fine line' can provoke unexpectedly strong reactions, which prompts ever-greater caution.

One voluntary organization working in an area where the record of successive governments had come under much criticism by the media, politicians and NGOs, encountered staff from the statutory body concerned who expressed their 'hurt' and 'upset' at such comments. Criticism seemed to be taken personally, a phenomenon noticed elsewhere.⁶ In order to protect their funding from statutory bodies, NGOs had to continually 'mend their fences' with them, even writing sympathetic articles in the paper acknowledging the onerous pressures that staff in that sector were under.

Many voluntary organizations are conscious of how they must modulate their message. The Department of Justice (and its various iterations) has often proved to be difficult, partly because many of the issues addressed by the department are perceived to be especially sensitive. Voluntary organizations funded by the department have been especially conscious that they must invest a considerable level of time in managing the relationship with the department and are careful not to 'rock the boat' unless they are very sure of the consequences. In a different department, one organization which 'went

6. The Society of St Vincent de Paul report of the Commission of Older People (2011) recorded the personalization of complaint as a means of deflecting criticism that was essentially about systems and standards.

public' was conscious of the negative consequences for years: 'when our funding was cut, the director went on RTE's *Joe Duffy* programme, with the result that relationships with the department became strained for a long time thereafter'. The merit of the case presented was never the issue: the problem was that the issue was put into the public domain.

The sense of 'treading a fine line' was a repeated theme of voluntary and community sector leaders. Urban regeneration projects can be especially challenging for advocacy work and community workers with advocacy functions, as they are largely, if not entirely state-funded. In one Dublin regeneration project, the community decided to hold a public meeting to campaign about lack of progress. The community worker, who worked very much as a bridge between community organizations and local government, got a complaining phone call from a senior official. 'He explained in no uncertain terms his annoyance at us going public with our concerns', the advocacy worker recalled 'and that the official had thought we were "both on the same page" and that there would not be situations like this'. A week later, they had a further, more conciliatory conversation in which the official admitted that the worker had 'to do and say what he had to say for the community'. Nevertheless, the worker was left with the impression that he had negotiated his job terms of description to the limit, had pushed as far as he could push and there was an implied threat of 'withdrawal of support for renewal of funding for the job next year'.

In reality, funding for the post was renewed the following year, but it was a very anxious moment and a clear example of the local state trying to impose (in a subtle way) clear boundaries of advocacy.

Many voluntary organizations spoke of these boundaries, which could arise even despite their best efforts to take precautions, as this example illustrates.

Case study:

'I have your file here'

An organization working in the area of education published a report which, because it was concerned that it might be controversial, was careful not to use government grant-aid money. The Department of Finance, though, saw the publication in question and approached the organization's funder all the same, questioning why the organization was being funded at all. The organization gave repeated assurances to its government funder that this particular report was not funded out of its grant aid. The funder pressed the organization to reveal its funding source, which it was not prepared to do, but repeated the assurance. There were no repercussions on its funding during the time when the funder was calling the organization to question the funding of the report, but it became harder to get replies to correspondence or meetings. The funder later informed the organization 'I have your file here. I would like to review your resources'. The organization contemplated making a formal complaint but decided not to: it had the impression that the funder was, in turn, under pressure from the Department of Finance. The episode had a substantial effect on the organization. 'It was a scare that made us feel monitored. We learned that we had to be really careful about touchy issues. We always make sure that campaigning is done out of non-grant aided budgets as per state guidelines, but officials do not appear to believe that this is the case'. The organization feels that this is an example of the state inappropriately stepping over the line.

'Treading a fine line' moves into more overt forms of inhibition, as the following set of experiences records. The chairperson of the board of a local centre for the unemployed found that some state funders were 'very demanding, always showing who is boss, hinting that they could take the money away again at any time. It was something in the air that said "no dissent". It was subtle, but real all the same'. FÁS was a particular case in point: 'we were never critical. We were careful not to be. We held it in fearful respect and put a lot of energy into handling the relationship'. Several organizations reported examples of micro-management, one of how 'they are looking for more and more information, which really wears people down'. There was an authoritarianization of the relationship, with funders even looking for minutes of its meetings.

Looking at an entire programme, many FRCs reported that they did have scope to undertake advocacy work – but that inhibition was in practice drawn around it at local level.

'There is space to do advocacy. There is even a section in the standardized SPEAK⁷ report for all the centres where we report our advocacy work. At local level, we meet and lobby TDs. But it can be challenging to look for support for the programme while criticising government at the same time. The voluntary board of management is always careful. We became unpopular with the county council for raising issues with Travellers and this created a sense of tension. When advocating on behalf of more marginalized communities, you can become unpopular with statutory agencies'.

In a related programme where a community-based service has a public and policy advocacy function, its means of operation was also in practice circumscribed:

'There is a cut-off point as to what we can actually do. If, say, someone is turned down for social welfare, a full-up advocacy service would bring the case right through the system even to the point of a legal intervention. But we are unable to do this and after a certain point we have to pass the case on to the Free Legal Advice Centres if it is to continue. In our centre we access files under the Freedom of Information Act, but not all centres do this. We specialize in social welfare and housing cases, while others may specialize in employment or consumer issues. Some other centres may only help people to fill in forms. We feel that if we help someone, we should have the ability to support them through the process and not leave them high and dry. It is evident to us that some officials in the department see us as creating and causing work for them and that advocating on behalf of clients with them should not be our job. It is not helpful that our main adversary in advocacy happens to also be our funder.'

Several community groups, all outside Dublin, felt that they were under extraordinarily close scrutiny from local public representatives and this had a strongly inhibiting effect on their scope for action. One FRC reported that when it was moving premises, the landlord complained to a local TD who contacted the minister. 'The allocation of €12,000 to cover the cost of moving premises was withdrawn'. If merely moving office could attract so much attention, then any visible public advocacy would be even more likely to do so. Although some FRCs will take some appeals when the Citizen's Information Board or MABS will not, they will not put the centre's names on the appeals, in case local politicians complain to the Family Support Agency. One FRC worker taking an appeal was warned of the dangers of being sued if he gave information that turned out to be inaccurate and that professional indemnity insurance did not cover this situation. While this may well legally be the case, there was an insinuation that taking any form of appeal, however carefully, was to act recklessly or irresponsibly and that these remarks were designed to intimidate. There was a definable fear of complaints to management board members from local politicians, 'it's all local politics', one FRC said. For voluntary and community organizations, it was very difficult to know the boundaries of where and how they could act.

Another FRC supported a campaign to keep the local hospital open. The problem began when a local opposition TD cited, on his Dáil website, the FRCs support for the campaign. 'Then there was a call by another deputy, presumably on the government side, complaining to a member of the management committee. We had to ask the TD to take down his reference to us on his website. The HSE never said anything. The overall effect though was to make us cautious. We don't discuss advocacy and may have moved into unacknowledged self-censorship'.

Publications are an important litmus test of how voluntary and community organizations are encouraged to undertake advocacy, or not. One case identified by several respondents is Pobal's European Integration Fund Handbook which accompanies its European co-funded programme in this area. Its *Programme guidelines, 2011* specify that:

All research and policy-related publications should include a statement that the views contained in the publication do not necessarily reflect those of the Office of the Minister for Integration, the European Commission or Pobal.

and

All such publications must be viewed by Pobal in advance of their public distribution.

This is a double lock: whereas a disclaimer is normal in this situation, there is no explanation as to why there is a requirement to submit text in advance as well, granted that it could be quickly and publicly disowned. Voluntary organizations believe that there is no such requirement in the European regulations. One government body closely scrutinizes publications, as this national voluntary organization found out in these experiences which set down limits.

Case study:

Red Lines

One development aid organization was involved in a number of funding-advocacy issues. In the first case, it had taken a position on one aspect of a referendum, that pertained to its field of work, to find its funding application turned down the following year. The department assured it that this was not a political decision, but in the organization's view it was said in such a way as to be unconvincing. The organization subsequently won support on the issue from a reputed international figure and the Minister of State, apparently choosing not to fight him as well, restored the funding.

Several years later, in a promotional leaflet for a forthcoming event, the organization made a comparison between the behaviour of a multi-national company in Africa and its activity in Ireland from the perspective of common development issues. The funder took offence and the organization was summoned to a discussion on the issue. The upshot was that from thereon its grant-aid was released in tranches, rather than in one go and all promotional material about events had to be submitted in advance. Its experience since then is that the funder has never sought changes – but the organization is 'now more careful than we would have been previously in order to avoid such situations arising'. Funding has continued, although it is half what it used to be. For controversial issues, 'we are careful to use funding from other sources. Where Ireland has got involved in controversial issues abroad and taken a progressive line, we have supported that and that is acceptable. Linking the local and the global is meant to be at the core of the definition of development education, but there's a clear understanding that some 'local' issues are off limits, including anything to do with multi-nationals and financial issues'.

Several organizations found themselves threatened in such a way calculated to dissuade future advocacy. The M50 Roma example, mentioned earlier in *Funding dissent*, was a clear case in point.

Case study:

M50 Roma - reviewing your funding

Roma families arrived in Ireland from south-eastern Europe in 2007, which they were legally entitled to do under the Romanian and Bulgarian accession that year. Unable to find accommodation, a group encamped on the M50 roundabout in Ballymun, including a baby discharged only the previous day from hospital. The Traveller organization Pavee Point had privately alerted government departments and agencies to the issue and the need for assistance. The issue then blew up in the media, with the encampment vilified by callers to chatline programmes. In response, Pavee Point together with Crosscare and the Simon Communities issued a press statement, one that was carefully constructed, saying that granted the families were legally in Ireland, this country had a humanitarian responsibility towards them; Ireland could not be expected to solve the issue of the European Roma on its own and that there was a responsibility on the Romanian government to assist its Roma communities so that their members did not find themselves destitute in Ireland. The National Consultative Council on Racism and Interculturalism (NCCRI) also contributed to the discussion. Minister for Justice Brian Lenihan was door-stepped by an RTE reporter who asked him should he be funding advocacy groups like Pavee Point to say things like that. The minister, who appears to have been caught unawares, agreed to 'look into it' and promised a review. So far as Pavee Point knows, there was no such review, but it lost all its funding for its mediation service a year later without explanation, while the NCCRI's funding was withdrawn and it closed in December 2008. There are indications that the actual pressure for a review appears to have come from departmental civil servants - it may actually have been the minister who calmed things down.

At one level, this case study is a problematic one. The review does not seem to have taken place, nor did the organization lose its core funding as a result. On the other hand, it did lose a substantial project a year later, without explanation, which must have given it pause. The government, for its part, seemed unabashed in threatening a review of a voluntary organization that had contributed publicly to a public issue, even in a restrained way.

Even if advocacy was not expressly threatened, the access that might make it possible might be. One prominent voluntary organization was told, not that funding would be withdrawn, but access would be. A senior local authority official made it clear that if there were uncomplimentary remarks in the press, 'you will never get another meeting'. The organization formed the impression that 'if you criticise, they become uncooperative, meetings never get set up. We did a critical editorial and the progress of our discussions with the department slowed down'. The final word on this aspect of inhibition come from an organization that developed a lexicon in response: 'originally a post in our organization was called the "Campaigns and policy officer". Then we changed it to "Policy and advocacy officer". Since then it has been changed a third time'.



Services paradigm

Funding dissent explored the manner in which the Irish state increasingly saw itself as funding voluntary organizations to undertake services, but only services and not advocacy: for convenience, this is called the ‘services paradigm’. This approach is often reflected in ministerial statements about the importance of protecting ‘frontline services’, with the implication that the ‘backline’ - which may include advocacy - is less important or even expendable.⁸ This is an issue that has arisen in the past ten years and, had this text been written ten years ago, might not have even merited mention. As one participant put it, at that time the Combat Poverty Agency provided grants for building capacity (the small grants scheme): ‘it was interested not just in what you are doing, but what you are saying’. Now, this relationship appears inverted, with the state interested only in what organizations are doing and the services they provide, not what they are saying. The High Level (Officials) Group Report on Travellers explicitly stated that ‘the group believes that the role of [Traveller] groups needs to be more than just an advocacy role, particularly in view of the significant state funding which they receive. The group believes that in addition to their role as advocates of the Traveller viewpoint, it is desirable that these organizations play a more explicit role in terms of service delivery to Travellers ... The High Level Group will consider how best to pursue these matters.’⁹

The precise origin of the services paradigm is not known and cannot be exactly traced: it has never been formally articulated in an over-arching state policy document, but found some expression in the National Economic and Social Council.¹⁰ There had never been a debate or a place where the proposition could have been challenged. One official in a state agency spoke of how there had been a lot of background discussion around its supporting ‘services not advocacy’, but was not aware of where it had actually come from.

Increasingly, voluntary organizations were signalled that they had to concentrate more and more on services and that funding for advocacy would be less or even not available. The criteria for funding programmes increasingly emphasised ‘frontline’ or ‘coalface’ services and that funding would be prioritized for voluntary and community organizations able to demonstrate their proficiency in service delivery, in practice at the expense of advocacy activity. One national voluntary organization, which had experienced no difficulty with its national advocacy work, had nevertheless

8. The introduction of this phrase was traced in *Reforming public administration - the national funding scheme for voluntary organizations - a case study*. OPEN, EAPN, 2012. For a recent example, in the area of funding emigrant NGOs, see Dail Eireann, *Debates*, 13th March 2013, 566.

9. *Report of the High Level [Officials] Group on Traveller Issues*, March 2006, p11.

10. *National Economic & Social Council: The developmental welfare state*. Report #113, Dublin, author, 2005.

been given the impression that its advocacy funding could not be protected like a frontline organization. One state funder in the area of youth work did fund advocacy activities, or 'public education' as it was called. But after 2008, the funder made it clear that 'now we have to prioritise projects'. It began to go through budgets very carefully, checking everything off to ensure that they were used only for 'frontline' services. Another voluntary organization leader pointed out that the state's problem was not limited to advocacy, but applied equally to research.

It was the experience of voluntary and community organizations that the 'frontline' service mantra not only drove out advocacy, but also all the elements necessary for the frontline service to work in the first place. As a concept, it had a self-defeating symmetry. One organization commented acidly: 'once you get rid of the advocacy, the research and the administration, not only is there no back line, but no frontline either. By then, it's only a line'.

Sometimes, the service-only rule is much more explicit. A national organization funded by the HSE was very clearly told, verbally and then in writing, that funding was strictly 'for services, not for lobbying or advocacy'. In the course of meetings with the HSE, it was asked 'what other funding are you getting? We notice you are doing advocacy: where are you getting the money for that?' When told that this came from 'independent sources', the HSE accepted that. A problem, though, was that the HSE 'would never engage in a discussion on the merits of advocacy or not, it was just not inclined to have such a conversation'. Voluntary and community organizations were given the impression that they were, at best tolerated, while the one-year-at-a-time nature of funding left them in a weak and exposed position.

In effect, the services paradigm drives advocacy work underground and encourages evasion. As one leader of a community organization commented 'you end up doing advocacy work at night time'. Many organizations hide advocacy work behind 'education' or 'public awareness'. In some cases, organizations warned not to do advocacy re-designed it as 'education', but in practice the nature of what they did was little changed. Advocacy is either done 'out of work time' or described in the language of services. The state side sometimes colluded in this process of evasion: it was their experience that the services-only rule could in cases be operated with a level of permission for individual, casework 'advocacy'. As one noted: 'HSE officials made it very clear that they only funded services. We didn't make a huge fight with them over this and in practice they accept us doing individual advocacy'.

One community group experienced an extraordinary level of micro-management from one of its funders, FÁS, but by no means its only funder. There was a significant dispute one year about whether the service should remain open on Good Friday, with FÁS compelling it to do so. Such micro-management affected advocacy insofar as the local FÁS manager scrutinized which meetings staff should attend: 'The manager especially sought detail on anything to do with the voluntary and community sector, advocacy or policy, asking: "are you doing this in your own time?"'. In another case, 'during the campaign to save Community Employment (CE), which involved a protest march, we learned that the department had telephoned to find out if CE supervisors had gone on the march "in their own time", or not'. An integral part of community development is that community development staff work

alongside and in solidarity with their communities, which may occasionally involve protest, yet the department was interpreting advocacy as a form of impermissible industrial dispute.

Similarly, the post in one national voluntary organization was paid for by the Department of Social Welfare. The organization planned a protest march at the time, whereupon the department intervened to raise the boundaries of the job, warning that 'if you are lobbying, then we will withdraw funding'. The officer brought the matter to the board, which stood by her participation in the march. This went ahead and there were no immediate consequences.

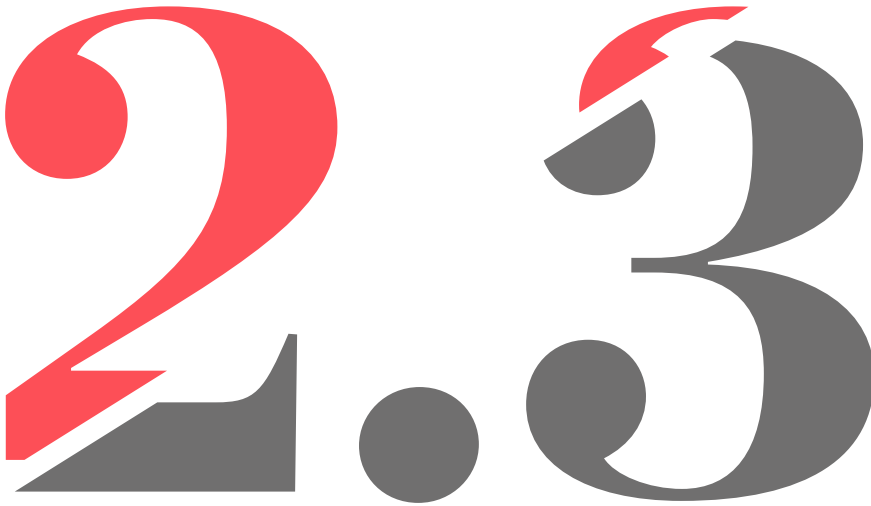
The issue of FÁS supervisors was reported several times during this research and from several different parts of the country. FÁS once asked a voluntary organization to give an assurance, which it had to, that the FÁS supervisor did absolutely nothing apart from his supervisory role, which meant that he could not help out with fundraising or advocacy, even in a peripheral way: 'we had to even keep his picture out of the local paper, in case that raised questions'.

The 'we are paying for this, so we control you' dynamic had some startling manifestations. From the 1990s, it became customary for the Minister for Social Welfare to hold a pre-budget forum, to which 20 to 30 leading national voluntary organizations were customarily invited. One colourful minister, who took a combative approach and once called these groups 'the poverty industry' attacked one particular set of pre-budget proposals with 'I'm not funding you for this cr*p'.

More humorously, during a radio discussion, the spokesperson of a national voluntary organization, who was being critical of government policy on social welfare changes, was reminded on air by a Minister of State who was also participating in the programme 'we're paying your wages', to which one other contributor retorted 'And aren't you getting good value for your money?'. The exchange had a more serious dimension and whilst it did not intimidate the person concerned, might have had an inhibiting effect on another.

Overall, though, the services paradigm was found by some organizations to have had quite a significant impact. It chilled work not funded by the HSE, for fear that it might be attributed to the HSE part of the funding - 'the funding dance - of what is "their" money and what is someone else's money'. State-side, advocacy is devalued and seen to be of no consequence: 'we were told no advocacy, but we still do it. On the other hand, they ignore us when we do. They don't talk to us and they dismiss our comments'.

One expert pointed out that the 'we-only-fund-services' mantra had a subtle, but nonetheless real, effect on policy-making. State funding can open doors and enhance access and credibility. 'Funding leads to status and the absence of funding means you are not asked for your views. Look at the Equality and Rights Alliance (ERA), which is not funded by the state and in the current climate never will be'. The ERA probably concentrates the greatest expertise in the state on equality and rights issues in one place, closely following the developments that affected the Equality Authority and the Irish Human Rights Commission since 2008. 'Yet it was never invited onto the working group that designed the merger of the two organizations. When the Irish presidency organised a conference on the human rights and discrimination infrastructure, it was not invited'.



Service Level Agreements

The 'no advocacy' clause

The most explicit way in which the services paradigm is linked to an inhibition of advocacy is the the no-advocacy clause in Service Level Agreements (SLAs), an issue first explored in *Funding dissent*. Although the exact clause varies from one part of the health service to another, it was most commonly §2.8 in the standard SLA template, so for convenience it will be referred to as §2.8 here.¹¹ This is the standard text:

The organization must not use the grant for...(b) campaigns whose primary purpose is to obtain changes in the law or related government policies, or campaigns whose primary purpose is to persuade people to adopt a particular point of view on a question of public policy...

In effect, the clause gives contractual, legal effect to the services-only paradigm. Here, the effect on advocacy of giving the service-only model such an elevated status is explored.

One national voluntary organization said that it was 'at best, uncomfortable with the SLA clause'. This was probably the mildest comment received. As one observer of the SLA commented: 'This clause narrows the space for advocacy and you draw the line about what you can say sooner. It chills and makes you cautious. It promotes behind-closed-doors approaches. You fear that speaking out will reduce your access'. One of the reasons why voluntary organizations formed coalitions was to give them cover for their advocacy work, rather than let them be restricted individually by their funders: 'only in such coalitions can you speak fearlessly'.

The enforcement of the clause, though, presents a varied picture, for it ranges from severe to the ignoring of it altogether. One community group reported that 'we had a social inclusion manager who told us: ignore 2.8'. Another reported that it was not enforced: 'they never questioned our advocacy work. The official concerned explained to us that he was required to impose the clause and could not release funding till he did'. Organizations unhappy with the clause were even given the opportunity to record their objections as a formal part of the contract. Asked to explain, the worker offered the following analysis: 'the HSE is a mammoth organization and lacks the resources to enforce it. The officials we dealt with had a sympathy for community development and some of them had previously worked in the area. Whenever

11. There is a similar text under the current template for *Grant Aid agreement, §39 Health Act, 2004*, except that it is §2.6. Intriguingly two separate templates for the care groups Generic and Children and families do not have such clauses.

we discussed 2.8 with them, they said that concerns about advocacy had come from above, 'up the line'. We have an example of its operation from Dunmanway FRC, Co Cork.

Case study:

'You are not as independent as you would like to be'

When clause §2.8 was introduced, its voluntary board of management questioned the clause. The FRC informed the HSE (27th July 2008) that it had signed the agreement with the provision that the HSE recognized Dunmanway FRC as an autonomous organization but gave it the assurance that it would 'utilize other sources of funding in relation to such campaigns'. When the FRC sought clarification on its autonomy, the HSE replied to the effect that 'the executive shall...endeavour to respect the independent identity and operational autonomy of the provider and the provision of services under this arrangement' (HSE to FRC, 17th September 2009). According to the centre, the issue never arose subsequently, but the clause did have consequences: 'In effect, we campaigned using our "other" money. We would find it difficult to be involved in major campaigns. When you sign up for this, it does restrict you psychologically. You are not as independent as you would like to be'.

Voluntary organizations experienced a wide range of practice arising from §2.8. One large national organization was aware of the clause, but not that it had ever presented any difficulties. At the other extreme, one community organization which had a SLA no-advocacy clause was also informed by the HSE that its staff could not be candidates in local elections. There is no such prohibition in law, so it is possible that the HSE was acting *ultra vires* but the message was clear. Some saw the SLA as having prompted quite a change in tone in the relationship between the HSE and voluntary and community organizations, to the point that it had become a 'bullying one, with an aggressive element. It saw the organizations that it funded as an extension of itself. You didn't need an incident to know who was in charge'. One organization experienced a wide range of practice in the operation of the SLA. Although the clause prohibited advocacy and the official made it clear that it was not permitted: 'we went ahead anyway. We didn't tell them, but equally we didn't hide it and we included campaigns in the annual report and nobody said boo to us. The official then changed and the new person understood advocacy and encouraged us to identify and pursue issues. Interestingly, those HSE officials who most support advocacy are those who have come to us from the National Health Service in Britain'.

The final comment comes from one local community development network presented by the HSE with a clause (§2.6 (ii) of a grant aid agreement) which stated that it must not attempt to 'persuade people to adopt a particular view on a question of law or public policy' - restrictions which it found ironic because 'our biggest challenge is getting it to *implement* the policies it has already decided!'. The HSE did invite comments on the contract, so the network formally expressed its reservation, which was that its work *did* involve challenging government policy. The HSE privately let it be known that it would not try to stop the network from doing so. As was the case with the services-only paradigm, the SLA caused definable inhibition, but also set in train a dynamic of evasion, off-line 'understandings' and collusion.



Charity law

This research identified a number of examples of the withholding of charitable status because organizations either had engaged in advocacy or proposed to do so.¹² This can have serious consequences, for many funders will support only approved charities. How these new circumstances came about is not clear. The Charities Act 2009 for the first time excluded human rights as a legitimate area of charitable activity, contrary to the practice in neighbouring jurisdictions, indicating a general lack of governmental comfort with human rights advocacy, so this may play a part. A shift appears to have taken place: whereas before voluntary organizations could take part in advocacy *as a part of* their charitable work, new practice suggests that they may be disbarred because they engage in *any* charitable work. This is indeed a significant change.

Two case studies:

A new definition of 'charity'?

'The Transgender Equality Network of Ireland (TENI), established in 2005 and which had a commitment to advocacy in its mission statement, eventually applied for charitable status in 2010. Prior to that, it had obtained both statutory (the Equality Authority) and philanthropic funding, later obtaining HSE funding, with no SLA being applied. When it applied to the Revenue Commissioners for a charitable number, it was refused because 'a focus on advocacy was not within the remit of a charity', a view apparently formed on the basis of examination of its website. The organization regarded the decision as unfair, because there many other organizations working in the same field with an equal commitment to advocacy, but who had never had a problem with getting or keeping charitable status. In subsequent discussions with the Revenue, the organization explained that it also had a role in education and support, so that advocacy was far from its only activity. The Revenue did helpfully suggest that it split its functions between an advocacy part and a non-advocacy part, a system currently applying some other voluntary organizations.¹³ TENI has since applied to two government departments for funding, in both cases unsuccessfully, while other charitable organizations working in the field have received such funding.

12. Charitable purposes are defined under English and Irish statute law (the originals being 43 Elizabeth I c IV (1601) and 10 Charles I c I (1634)) and case law under *Income tax special purposes commissioners vs Pemsel* (1893) as the relief of poverty; the advancement of religion; the advancement of education and other purposes beneficial to the community not included above. For a more detailed treatment, see *Funding dissent* and Acheson, N *et al: Two paths, one purpose - voluntary action in Ireland, north and south*. Dublin, Institute of Public Administration, 2004.

13. E.g. Irish Charities Tax Reform Group, National Women's Council of Ireland, Irish Council for Civil Liberties, OPEN.

Marriage Equality faced difficulty because it did not have charitable status - it was a requirement of private funders. When Marriage Equality first applied to Revenue for charitable status, it was turned down because examination

of its website found that it was 'trying to change the law', which was true, but a similar charge could be laid at many voluntary organizations which did have the status. The Revenue stated that 'the courts had ruled' such activity inappropriate for charity, but failed to cite the law or exact court judgements in question. It was told:

'On examination, I notice that the organization is involved in lobbying and campaigning. It should be noted that lobbying for reform or advocating legislation is not charitable and therefore not accepted.'

Marriage Equality then re-stated its aims, introducing phrases such as 'working for the community' and modelled on charities which had already been approved. These included educational and training work, but Revenue demanded to see the educational and course modules. At this stage, it felt that revising its Articles and Memorandum of Association again would be futile and fresh roadblocks would be thrown up against it. In the meantime, the organization will function as a non-charitable voluntary organization and make itself fully accountable as if it were a charity. Again, many other voluntary organizations undertook educational work without such demands being put on them; while numerous women's organizations undertook a similar range of activities, their charitable status unchallenged. Marriage Equality had a sense that it was regarded as a 'pesky group' which should not be bothering the state. Lack of charitable status can be a block to philanthropic funding in Ireland, so Marriage Equality may search for philanthropic funding in Britain, Europe or further afield. Thankfully, it says, most funders do not seem too bothered about it so far.'

A third organization had recent experience of trying to change its memorandum and articles of association (informally called 'memo and arts'). This experience came after the most recent revision of the guidance note, CHY 1, issued in February 2013:

Case study:

Welfare, not advocacy

One of the conditions identified in CHY1 is as follows:-

No addition, alteration or amendments shall be made to or in the provisions of the Memorandum of Association/Deed of Trust/ Constitution/Rules for the time being in force unless the same shall have been previously submitted to and approved in writing by the Revenue Commissioners.

It is also stated in CHY1 that:

- A body holding exemption may be reviewed periodically towards ensuring that the income of that body continues to be applied for charitable purposes only.

and

- If it is proposed to make any changes to the governing instrument of the organization, advance notice in writing of the proposed changes must be given to the Revenue Commissioners for their approval.

In addition, the template memorandum and articles of association for charities supplied by the Revenue Commissioners has a clause which states:

9. No addition, alteration or amendment shall be made to or in the provisions of this Memorandum of Association for the time being in force unless the same shall have been previously approved in writing by the Revenue Commissioners.

It was the experience of one organizations that ‘when we updated our memo and arts, we submitted the following objects in our memorandum (what became the problem clause is set in bold):

2. The company is established for the following objects:

(1) providing support for [our clients] in need;

(2) promoting and providing assistance towards the education of [our clients] in social or economic disadvantage;

*(3) to provide services for and **advocate on behalf of** [our clients] whose lives have been affected by economic, social or other disadvantage or loss.*

The Revenue Commissioners had a specific issue with the highlighted wording clause 2.3 and following a number of phone conversations debating the point (along with legal advice) we finally achieved agreement on the following wording:

*(3) to provide services for **and promote and advance the welfare of** [our clients] whose lives have been affected by economic, social or other disadvantage or loss.*

We were then permitted to update our memo and arts’.

Several organizations suggested that the application of the Charities Act, 2009, is now ‘tougher’ and more restrictive, as well as being inconsistent, being applied to some organizations and not others. There is also a strong case for these issues to be decided by a regulator with a knowledge of the voluntary and community sector, rather than by officials appointed for the financial expertise. Interestingly, these decisions are contrary to the view of the Minister for Finance, who takes the view that charitable organizations ‘are permitted to apply their funds to activities that advance or promote their charitable activities. These can include certain political lobbying and advocacy activities in support of their charitable purpose’¹⁴

14. Dail Eireann, *Debates*, 21st May 2013, 173.



Conclusions

This chapter started with the ‘fine line’ which voluntary and community organizations tread in their advocacy work. Unlike in chapter 1, where we described state support for advocacy or at least tolerance, this chapter carries a broad range of experiences in which getting it wrong does not just mean political ineffectiveness, but a threat to funding. Moreover, the chapter drew out the broad range of practices, both explicit and implicit, overt and subliminal, operational and practical, whereby the state inhibits advocacy. Boundaries were in constant test and renegotiation. As section 2.1 showed, threats could come from unexpected directions, like complaints by public representatives to local voluntary boards of management. Perhaps the most disturbing feature was the way in which this environment of inhibition seemed to give permission to some funders, including ministers, to intimidate and micro-manage voluntary and community organizations. In such an atmosphere, voluntary and community groups find themselves self-censoring.

The services paradigm presents us with a number of problems. Its precise origin is unknown and its philosophical base never public articulated. Nevertheless, it is one that has been widely, albeit far from universally or consistently applied. It has had definable effects in driving advocacy underground, or obliging voluntary and community organizations to come up with ever more inventive re-definitions of their work, activities and even job posts. It has drawn state funders, in pursuit of distinctions between ‘services’ and ‘advocacy’ or ‘our time’ and ‘someone else’s time’, into the ever more absurd scrutiny of the work of voluntary and community organizations, to the point that supervisors have to be kept out of the photographer’s lens at local fundraising events for fear they be imaged and identified; and checking up on the whereabouts of staff at meetings.

The related SLA no-advocacy clause, whose origin and justification likewise remains obscure, has also had the effect of closing the space available for advocacy, even if the research recorded many examples of the health services not enforcing its terms, or colluding with its being ignored. The central point arising is that advocacy, or as it is termed here pursuing a course of action to ‘persuade’ people (the relevant verb in §2.8) should be considered intolerable, speaks volume of the insecurity of the state. The only comparable clause in Irish legislation, hard or soft, is §31 of the Broadcasting

Authority Act, which prohibits the broadcasting of opinions of those who 'engage in promote, encourage or advocate the attaining of any political objective by *violent* means', whereas §2.8 forbids the use of funding for *any* form of *peaceful* 'persuasion'.

Arguments were presented which justified §2.8 on the basis that if the state engages any organization, voluntary, commercial or private, to provide a service, it should not 'go public' and criticize that commissioning or managing body. Whereas this view may have its own logic, it treats the voluntary and community sector as an extension of the state itself, rather than as part of an independent civil society. A more general observation is that this approach appears unique to the voluntary and community sector: so far as we know, industrial organizations which receive IDA grants are not restrained by clauses of this nature and some of them are quite outspoken on policy matters (e.g. the 12.5% corporation tax rate). To inhibit the voluntary and community sector on its own makes the playing field of public policy debate an uneven one.

Finally, new rulings by the Revenue Commissioners on charitable status suggest a distinct change since the Charities Act, 2009. The precise circumstances of this change are unknown, but may be reflected in the removal of human rights as a legitimate area of charitable activity, which may have created the mistaken impression in the mind of the Commissioners that advocacy work is likewise without the legislation. Whatever the reason, the outcome is a set of inconsistent decisions which have an adverse effect on voluntary and community organizations, including the devising of yet more forms of subterfuge so that they may continue their work. They are inconsistent because they penalize organizations whose activities are little different from those which have already been approved; nor are they consistent with the views of the Minister for Finance, who holds the traditional view that advocacy activity is a legitimate form of activity. These decisions reflect a more general point made by informants, which is that state officials taking crucial decisions in this area and in the related areas of the services paradigm and §2.8 appear quite unaware of the basis, the consequences or outcomes of their actions.

The separation of 'services' from 'advocacy', an unarticulated but nevertheless radically challenging concept in Irish public administration, is a departure from models of funding at work across Europe. It is a paradigm that denies that, in providing a service, one should research, reflect on, evaluate, or address the policy issues arising and is fundamentally anti-intellectual in nature. It takes a purely mechanistic view of service delivery, each service being independent of another and having no dimension or point of reference outside its immediate self. The general outcomes of the paradigm in inhibiting advocacy, as well as the petty forms of interrogation and supervision into which it draws its enforcers, are apparent. Best practice philanthropic funding closely links the provision of services to advocacy, rather than separating them the one from the other: for example, the European Programme for Integration and Migration, which provides substantial funding for migrant and women's organizations, will provide funding for services *only if* they are connected to an advocacy strategy. The experience recorded here may mark Ireland as an outlier in European social policy and civil society.

This chapter examines the manner in which the state has suppressed advocacy. Although there are points at which the dividing line between 'inhibition' and 'suppression' may not be clinically clear - they belong on a continuum - suppression suggests situations in which, with an element of deliberation, penalties have been applied or organizations even extinguished. 'Suppression' situations tend to be more explicit, adversarial and deliberative than those examined in the previous chapter. The first episode under examination is the closure of the Community Development Programme which is considered, in the voluntary and community sector, as a test case, along with two other issues in the community development field, the Community Workers' Cooperative and the policy unit (3.1). The rest of the experience of voluntary and community organizations defies easy categorization and there are many overlapping issues and problematics, but for convenience they are grouped under media (3.2), conferences (3.3), publications (3.4) and issues (3.5). Conclusions are drawn (3.6). As the conclusions to the report later indicate, this chapter raises broader issues concerning the relationship between the voluntary and community sector on the one hand and the state on the other that go far beyond the funding axis.

3.1

The Community Development Programme

Here, we look first at the broad background of advocacy within the Community Development Programme (CDP) and then within its successor, the Local Community Development Programme (LCDP). The closure of the CDP, while undertaken in the name of efficiency and ‘cohesion’, was seen by many community organizations as intimately linked to advocacy issues. In the period that led up to their closure, many participants in the programme were clear that that advocacy by projects had been more and more discouraged, especially the assignment of staff to the position of policy officer. In some cases, the ‘policy officer’ post was taken away. Others involved in CDPs reported being told that that funding was for ‘staff salaries and overheads’ only, while management committees were told their role was to deliver services and employ staff, advocacy not being mentioned.

Many within community development felt that they had been cut back because they were seen to have ‘got too big for their boots’. The boundaries around community development were re-drawn, the harder parts taken out, leaving only ‘soft and unchallenging’ community development, they said. The FRC programme remained, redefined around a ‘soothing, cuddly’ family lexicon. Policy, advocacy and rights were now off-limits. The closure of the CDPs, many of whom had been considered outspoken, was seen as having served as a warning to others, to the point that ‘no one will speak out. The FRCs have become silent. It’s never said, but we have agreed to self-censorship’. Several FRCs pointed to the advocacy work that used to be funded through networking grants, which funded centres to meet together and develop policy issues. The grant was stopped without explanation and with projects or individuals now having to fund this, the related policy work is no longer done. The same period also saw ‘cohesion’ applied further afield: a disability advocacy service was likewise ‘subsumed’ into a state service, where the public advocacy part quickly disappeared. There had never been any complaints about it and the only reason given was the need for ‘regionalization’.

The LCDP marked, in the view of community activists, a retrenchment of advocacy. The programme, in its current iteration, was divided into four goals and activity fields, each with a weighting and is considered to be quite prescriptive. Advocacy is permitted, goal four being cited most frequently, but it is only one activity under a goal that comprises a small proportion of

the programme as a whole. Many community activists felt quite restricted by 'the four goals', under which all activities must be justified. According to one activist: 'that hasn't stopped us, but it has sent us a clear signal that this work is not valued'. Another: 'we definitely understate our advocacy work. We put it under the radar'. The ethos of community development is that the community comes up with its needs and defines the appropriate responses, 'but we are now told "here are the streams and percentage for each". It is over-controlling, but gradually people adapt to it'. Many local groups had built up the capacity of local people over the years - indeed a recent study found that most of the members of the now-dissolved Voluntary Boards of Management had high educational qualifications.¹⁵ 'Last year we graduated eleven primary degrees, three Masters and one PhD. But we are not allowed to do third-level work anymore'. It was difficult to avoid the conclusion that articulate, well-educated spokespersons for disadvantaged communities were no longer welcome.

A belief or interpretation by community activists that advocacy was suppressed does not necessarily prove that this was the case, which is why a more detailed investigation of the circumstances of individual projects is merited. In advance of the closure of the programme, the department responsible, the Department of Community, Rural and Gaeltacht Affairs, announced in December 2009 what appeared to be a routine review, but by Christmas, fourteen found that they had been closed.¹⁶ Four case studies are examined here with the benefit of the documentation available.

Case study:

North Inner City Women's Network

The North Inner City Women's Network (NICWN), which comprised 11 groups working with women in the areas of advocacy, education, leadership and training, joined the Community Development Programme in 1997. In December 2009, the organization was called for review and presented its work orally to departmental officials. No particular concerns were raised by the officials and the network regarded the episode as routine until it suddenly received an e-mail informing it that its funding was terminated. The network asked for and received the text of the review, carried out according to a template, which marked most of its activities approvingly. The apparent reasons for closure were given in the 'comment' section in the end:

'There are issues about how the group provides support to other local organizations. There is extensive involvement in the management of other organizations that were originally established by the group, rather than support and facilitation... Issues around the need for and relevance of project. It is considered that the objective for the project has been largely met as the groups it supports should, by now, be self-reliant. In addition, there is a lack of evidence of tangible frontline services being provided. Recommendation: discontinue funding. Objective met and undue focus on administrative work as opposed to tangible front-line supports and services' (Department of Community, Rural & Gaeltacht Affairs, 10th December 2009).

The network asked, through the Freedom of Information Act, for the officials' notes of the December meeting, but was informed that these notes 'could not be located or did not exist' (Department of Community, Rural & Gaeltacht Affairs, 15th January 2010).

15. *Who manages? Models of voluntary boards of management*. Working for change - Irish Journal of Community Work, 3, 2012.

16. Clonmel Traveller Development Project; Community Action Programme Ballymun; Community Technical Aid, Dublin; Edenmore CDP; Equal Access CDP; Inner City Renewal Group; Kilmore Est Community Development Group; LINK CDP; North Clondalkin CDP; North West Inner City Women's Network; Partners Training for Transformation; PIECE; Southside CDP; West Tallaght Resource Centre.

The network was given the opportunity to appeal, which it did, making both a written and oral presentation to three officials in January 2010. Again the event was reasonably cordial and no concerns were raised by the department that would merit the closure of the network. In the event, the appeal was unsuccessful, the network being informed in the section 'considerations' that there was 'potential' for it to be funded by the Dublin Inner City Partnership, other community development programmes in the locality or the Equality for Women Measure of the Department of Justice, Equality and Law Reform and that the decision was upheld. The network closed not long thereafter with no redundancy payments for staff.

Case study:

Inner City Renewal Group

The Inner City Renewal Group (ICRG) was one of the original 12 CDPs from the early 1990s. It experienced an early clash as to its work programme, when the new CDP decided to incorporate welfare rights work which had hitherto been done voluntarily. The Department of Social Welfare, which had ultimate responsibility for the Community Development Programme, objected, arguing that it was already funding Citizens Information Centres in the area. The project made the case to the minister responsible, then Joan Burton, that this work should be permitted, a benefit take-up campaign organised by the ICRG with the support of FLAC having found 87% underclaiming, mainly in the Supplementary Welfare Allowance Scheme. Many years later, the project was called for review in December 2009, making a 'straight presentation' to the department about its activities and achievements. Shortly before Christmas, it received a letter to announce that funding was discontinued. The project appealed, being received politely: 'the four officials seemed to be listening, but we were aware that not one of them had any background knowledge or qualifications in community development'. It made no difference and the project was closed.

Case study:

Community Technical Aid CDP

Community Technical Aid (CTA) CDP went through a similar review and appeals process. The reason the project was given for closure was that it was 'not frontline'. In the course of the review, CTA CDP had provided a detailed account of its work and there was 'never a complaint nor a hint of unhappiness'. CTA CDP pointed out that the work it was doing was not frontline, it was providing important technical assistance for local communities in local development, planning and regeneration, or, as it put it 'we never said we were running meals-on-wheels, creche or aromatherapy'. CTA CDP was quickly closed and the staff made unemployed (though the parent organization continues to operate). It was told that the needs it now met 'had not been demonstrated', a view which have raised questions as to why such needs had been so sufficiently demonstrated as to attract funding over the previous decades.

Case study: Kilbarrack CDP

Kilbarrack Community Development Project joined the Community Development Programme in 2000. It was one of the best known projects in the programme and its predecessor organizations were well known for their outspokenness, having once peacefully occupied the Mansion House with a samba band in protest against the government returning £8m in European funding rather than spend it on community development. Its story is somewhat different, for it was not closed in the December 2009 review, but lost funding for refusing amalgamation with the local partnership. In late 2008, the project was ordered, under the cohesion process, to merge with the local partnership, disband its Voluntary Board of Management and hand over its assets. This it refused to do on two main grounds. First, its committee was elected by the local community and in the project's view, that democratic power and system of accountability should not be taken away. Second, the funds for its assets (office etc.) had been raised in the local community and in its view should not be handed over to another organization. The project explored various ways of reaching a compromise with the local partnership and the department, but found that both ministers of state at the time (John Curran, Pat Carey) to be a 'brick wall'. The project refused to disband and duly lost its funding, 12 staff going. At present it still receives some childcare funding and the workers remaining took a salary cut of 60%.

The closure of Community Development Projects was investigated in some detail, because of the belief within the community sector that their termination was partly, if not largely connected to their advocacy role. Whilst it is true that some of the projects closed had a low profile, most of those that closed were prominent for their outspokenness. As one activist said, 'they picked off the most advocacy-minded'. The closure of the Dublin Inner City Partnership, which was regarded as an especially effective and outspoken advocate for inner city communities, was seen as connected to that process. Although issues of non-compliance with some programme requirements had been raised with the partnership, none were arguments for closure and the decision was seen as one in which 'government didn't like the role, so it attacked the work and the people'.

The records of the period do little to allay concerns as to whether the closure process was an objective one, for several reasons. First, during the initial, December 2009 review, projects do not appear to have been informed that their future was at stake: it appeared to be a completely routine review. Second, the reasons given for closure was, for the most part, vague: in the case of NICWN, there were several references to 'issues' which were not spelt out. Third, the appeal decision 'considerations' referred to the possibility of funding elsewhere, but such possibilities would have been universally recognised, as events proved, as purely abstract or hypothetical. Fourth, departmental officials did not, either at the original or the appeal meeting, indicate either a level of concern or a volume of evidence that might in any way merit termination. Overall, one is left with the impression of a process that was underhand and in which the decisions in no way matched the evidence under consideration. In the case of NICWN, the decision was based, as the FOI request ascertained, on notes which were either lost or did not exist. In extinguishing projects because they were 'not frontline', departmental officials applied a retrospective criterion, which several projects had not claimed to meet in the first place. The criterion

demonstrated a misunderstanding of community development, in which there had always been scope for technical services, capacity-building and networking. 'Frontline was a contrivance', they said 'for it had never been an issue before'.

Even with the benefit of a distance of several years, the precise circumstances that led to the closure of the programme and its advocacy role still challenge historians. No published document exists that sufficiently explains this sudden course of events. Several attribute the closure as a response to community activists contesting local elections, although there was nothing new about this, Tony Gregory being a well-known example. *Funding dissent* outlined how, in democratic societies, community activism is a political nursery and legitimate route into politics. The nursery function of community development projects was recognized to the extent that officials were reported to have said 'we can't have any more Tony Gregorys'. The 2004 election may have added to a sense of unease in the governing party, for the 2002 general election had seen the election of a number of independent deputies.

Not long after the 2004 local elections, one in which a number of community activists had been elected, a community development manager recalled that the Department of Community, Rural & Gaeltacht Affairs convened a meeting in the Crofton Hotel. Officials made it clear that community development projects were not to engage in 'political work' and they should be careful that they should not be seen 'using their photocopiers for political work'. There was a furore, one recalled, for projects had always dealt with politicians on local matters and done so even-handedly between the parties. For the first time, officials began to make the distinction between 'good' CDPs and 'bad' CDPs, although the precise criteria necessary to merit assignment to one category or the other were not made explicit. The word 'streamlining' was first mentioned. Although the number of community activists elected was small, the matter appeared to be treated as some form of insurgency.

Related to that was the rising level of skill in CDPs, a feature already noted. Many had encouraged and supported board members and others in the local community to go to third level education: they had 'gone to UCD and places and become articulate'. Maybe, as one said, 'we had become too good at advocacy. Some politicians became too uncomfortable with an erudite, politicized workforce. CDPs had been inclusive, good in bringing marginalized communities into the political mainstream, but we said things about poverty and hunger that some politicians could not take. There was no room for that kind of dissent. When one of our associates went to the clinic of the minister concerned to ask about the closures and when asked to explain her business, she was told "the minister won't like this, you know"'.¹⁷

A belief by these projects that they were closed because of their advocacy does not necessarily of itself prove that this was indeed the cause of their extinction, but the evidence is compelling. Other factors probably played a part, such as a resentment of their nursery role and a failure to appreciate the value, role, outcomes and methods of community development. These projects had formerly been under the aegis of the Department of Social Welfare, where, under what might be called the intellectual colonization of the Combat Poverty Agency, the value of community development was well appreciated. From 2002, it was placed under a different department, with no equivalent expertise.¹⁷

17. The lack of such expertise was explored in more detail in *Reforming public administration - the national funding scheme for voluntary organizations - a case study* (EAPN Ireland & OPEN, 2012, *op cit*).

The Community Workers' Cooperative is not directly linked to these events, but as the national association of those with an interest in community development, its history is taken here. It was established in the 1980s and its purpose was not only to advocate for the role of community development, but for the application of highest and most enlightened standards of practice.

Case study:

The Community Workers' Cooperative

The Community Workers' Cooperative (CWC) was one of nine national networks funded by the Combat Poverty Agency in the late 1990s, the others being in the fields of lone parents, rural development, unemployment and so on. In 2002, funding for national networks was transferred into the Department of Community, Rural and Gaeltacht Affairs and made part of the scheme of funding for networks and federations of national voluntary organizations set up in under the white paper *Supporting Voluntary Activity* (2000). The 'networks and federations' funding was provided for three years at a time and when it was due for renewal, the CWC had what might be termed a 'reasonable expectation' that it would continue to receive funding, for which it applied. Instead, the CWC received a fax the Friday before Christmas informing it that its funding was discontinued. The CWC was the only one of the nine former networks whose funding was stopped. The CWC had met the department regularly over the years: there had never been a suggestion of a problem. They were given a nebulous explanation about 'not meeting the criteria' and when the minister was personally confronted about the issue, he simply said that the department was not obliged to continue to fund it, which was unarguable, but did not give any explanation. The department's reasoning was not recorded in the documentary record, fuelling lingering suspicions by the CWC that its outspokenness was at the heart of the decision. The outcome was that it never operated at such an effective policy level again. The CWC was perceived to be initiator of a withdrawal from national social partnership in May 2002, one which concerned a variety of issues such as criminal trespass for Travellers, the deportation of Irish-born children and disability legislation. A review of the networks by Combat Poverty Agency had rated it the highest-performing in the group. The CWC did get a meeting with the department, where it was informed that 'if it were a cooperative, it should fund itself', which indicated a lack of understanding of how it actually operated. It was also told that it had 'no defined target group', which could also be a feature of other networks. Later, the CWC was able to attract some funding from the department. Informally, some officials hinted that it was too political, too principled and to be more careful this time.

In 2011, there was a return to the *status quo ante* when the CWC was again rejected for networks and federations funding/national scheme. This has been documented elsewhere and the reasons for its rejection raise serious questions.¹⁸ In the absence of clear reasons by the department for its decisions, judgement must rely essentially on circumstantial evidence. It is certainly true that the CWC was not the only critical network and other critical networks have maintained their funding, while it is also true that others whose advocacy profile has been lower have not. At time of writing, the CWC continues to run on a non-salaried, voluntary basis. Granted the visibility of its advocacy role in what was such a sensitive issue to government, its denial of funding at least raises serious questions about government intent on suppression.

18. *Reforming public administration - the national funding scheme for voluntary organizations - a case study.* OPEN, EAPN, 2012.

Concluding the theme of community development, the story of the policy unit is illustrative of changing governmental attitudes on the theme. It is an example of advocacy work not funded, or suppressed before it was started, helpfully providing a useful marker in time as to when government policy on community development began to change, the 'strategic turn' of 2002 identified in *Funding dissent*.

Case study:

The policy unit

By 2000, the Community Development Programme had been six years in operation. On 26th April 2000, possibly on the prompting of the Combat Poverty Agency which had managed the programme, the Department of Social, Community and Family Affairs approved *Policy work in the national Community Development Programme*, which outlined a new structure which would enhance the policy work of the programme, employing policy workers to progress the issues arising from the work.¹⁹ On 24th January 2001, the department approved the establishment of such a 'policy unit' in the eastern region of the country, allocating £10,000 for a consultant to develop a three-year workplan, this being completed by December. Its function, as the consultant subsequently briefed the participating CDPs, Family Resource Centres and other core-funded groups, was to provide the programme with an opportunity to make 'a coordinated and distinctive contribution to policy development and influence'. The subsequent *Policy unit for the eastern region* outlined its functions of capacity-building, policy development (research and networking) and policy influence (campaigning, solidarity and community action) and its working methods of seminars, publications, networking and newsletter. A structure was outlined of an annual conference and management committee, with a budget of €299,900 in year 1 rising to €309,766 in year 3. Staffing was envisaged as a coordinator, policy support worker, policy training worker, policy researcher and administrator. The overall aim was to contribute to anti-poverty policy at local, regional and national level. The strategic plan explained, in a section called *The nature of the gap between projects and policy work* that an important function of the policy unit was to 'bridge the gap between the expertise of the community development sector and the policy arena' and ensure that 'work on the ground was reflected in policy-making and representation'.

On 13th May 2002, it was decided to establish a company as the legal form for the policy unit. It was also decided at around that time to recruit the coordinator, for which there would be a closing date of 14th June and interviews on 26th-27th June. A general election took place on 17th May and the new government was appointed on 6th June, which marked the establishment of the new Department of Community, Rural and Community Affairs, to which a Minister of State was appointed on 18th June. The steering committee for the project was informed that the project was cancelled in sufficient time for interviews not to take place on the 26th-27th June. No written note is available by way of explanation, but it is reported that officials told members of the steering group that it was 'the Minister of State's policy'. In an effort to save something from the original proposal, the steering committee presented an action research project and this was finally rejected by the new department on 8th January 2004. The minister was verbally reported to have said 'ministers do policy' and his Minister of State was likewise reported to have said 'we're not going to fund projects that oppose us'.

19. A full set of documentation outlining these events was supplied by one of the informants of this research.

The case that 2002 marked a 'strategic turn' was presented forcibly in *Funding dissent* and draws on a broad range of evidence. This perception was broadly held among the interview group. The story of the policy unit provides an unexpected confirmation of the hypothesis and anchors it more precisely in time than had ever been the case before. 2002 became a year of seminal events for advocacy in the voluntary and community sector: the sudden and unheralded establishment of a new department responsible for its development; the consolidation there of funding lines hitherto supervised by independent agencies; the delay in funding for voluntary and community organizations and the subsequent halving of that funding; the warnings issued soon thereafter to community organizations; the cessation of plans to establish voluntary activity units; and the sudden deterioration of relationships between the state and the voluntary and community sector.²⁰ It set in train a line of development which led, over time, to the closure of the Community Development Programme and, in the present time, to the integration of the local area partnerships with the local authorities under the alignment process. Without the community development projects, a substantial advocacy-focussed part of the community sector was taken out. 'There was a high level of collateral damage', as one expert commented.

20. Report of the CV12 on the implementation of the white paper *Supporting Voluntary Activity*. Dublin, The Wheel, 2003.



Media

Several cases of suppression, or attempted suppression, arise from voluntary organizations engaging in media work. As one voluntary organization put it, 'we know that if we went on *Prime Time*, a phone call will soon follow'. One voluntary organization's local service was threatened with closure due to lack of funding. There was an angry call from a HSE manager who said that 'if this becomes public knowledge, I'll have the politicians on to me. You are going to find a solution to this problem, or I'll pull your funding'. One organization was invited to participate in *Prime Time* and this is what happened.

Case study:

Prime Time

When a national voluntary organization contributed to a *Prime Time* report during the first year of the cutbacks following the start of the economic and social crisis, the chief executive was telephoned by its state funder, the HSE, the following morning which threatened to withdraw its funding. Although the truth of the contribution was not contested, she was informed that appearing on *Prime Time* was contrary to the funder's communications policy as previously agreed with the organization. She questioned the 'communications policy', of which she had never heard before, being eventually told that it was a verbal communication only. She affirmed that her organization was an independent one and entitled to comment on such issues. She took the initiative herself of raising this interference with senior HSE personnel and asked if such a policy applied to other voluntary organizations. The HSE backed down and not only acknowledged the right to advocacy, but agreed that a proportion of the grant was for such purposes.

This was an example of the consequences of going on television. A more subtle form of suppression is when advocacy never actually reaches that point (radio in this case), as this story illustrates.

Case study:**Keeping advocacy in-house**

One local authority obtained funding, as a member of the Peace programme partnership, to address intercultural issues, enabling the employment of an intercultural worker in an intercultural centre, accompanied by a programme to create an intercultural platform and a racist reporting system. This task was never put out to tender (voluntary organizations were not given the opportunity to undertake the work), but brought in-house under the supervision of the county council, reportedly to create the conditions for mainstreaming such actions within the local authority. The architecture was quickly tested when an oil tank in an African household was set on fire in an estate with an anecdotal history of harassment of immigrants. The local authority decided it could not pursue the issue because there was no 'proof' that it was a racist incident, while the housing officer refused the family a transfer because the gardai assured the council that there was no proof that it was a racist attack. When the intercultural platform decided to write a letter of support on behalf of the family, it was reported that a senior official approached its chairperson and instructed him to not send the letter. When a prominent councillor made racist comments about Travellers, it was also reported that the intercultural worker was instructed not speak about this, nor to participate in radio interviews concerning his views. When the burning of a house allocated to a Traveller family was raised at the local peace partnership, it was reportedly stated by a prominent member that it had no role in addressing the issue. The racist reporting system became precisely that: purely a recording system, because attempts to action complaints were quickly thwarted. According to local community activists, this experience may be an example of local authorities not being prepared to fund voluntary or community organizations to undertake advocacy. Instead, the task was brought in-house, where it was stymied or controlled at every turn.

This episode raises a much broader set of issues about how racism is handled, about the role of voluntary organizations, but is cited here for its importance in ensuring that a set of advocacy-related issues did not reach even the public domain.

Moving to the press, there are indications that just one critical quote in the press cost one organization its lottery grant.

Case study:**Losing the lottery grant**

One national organization experienced a significant funding problem as a result of a disagreement with the Minister for Health. The organization regularly received grants from the Department of Health National Lottery Fund. It contributed in a substantial way to national consultation processes and publicly expressed concern with a decision of the minister. At following meetings, communication with the minister was very strained, in contrast to previously amicable interactions. Subsequently, Lottery funding was not forthcoming for a number of years. The organization acknowledged that this cessation of funding may have been coincidental, but is now more careful about its use of words.

The *Citizen Traveller* campaign is included here, although it was a different type of media campaign, using billboards and other promotional outlets.

Case study:

Citizen Traveller

Citizen Traveller was a public education campaign to create a better understanding of Travellers. The campaign had the highest possible level of political support - it had been backed by Taoiseach Bertie Ahern and had a broad remit to improve relationships between Travellers and the settled community through billboards, radio and public relations. Surveys found that it generated strong public support, interest and public debate. The programme was funded for three years and then approved for a fourth year. When the criminal trespass legislation was published, the campaign took the decision to challenge the proposal with a poster *No Travellers here*, with an X running through it and another *Suddenly it's a crime to be a Traveller*. Within two working days, the Department of Justice called to enquire as to who had funded these posters. 'You did', the campaign said. The minister stated that such posters were a breach of the campaign; that the campaign would not be paid for the posters unless they were taken down immediately, which was done. No further activity was permitted in the meantime. The minister then commissioned a value-for-money and management audit of the *Citizen Traveller* campaign, a report on the financial position and media consultancy to investigate whether the *Citizen Traveller* campaign had changed the attitude of the settled community toward Travellers, a test which it was likely to fail and duly did. The campaign took the view that publication of the posters was not legally a breach of the protocol governing the campaign. The controversial posters were paid for.

There are mixed views on this decision. Even people sympathetic to the *Citizen Traveller* idea feel that 'if you are funded for one thing, you should not use that money for another'. The campaign's view was that even if the posters showed bad judgement, it should have been given the opportunity to continue work that had been well proven. Arguably, it was a case of 'one strike and you are out', with just one event giving rise to the suppression. Overall, these case studies explored the boundaries of advocacy and funding in the media: the threat to withdraw funding because of a media appearance (*Prime Time*); the withdrawal of funding because of a critical comment (*Losing the lottery grant*); the closing of a public education campaign because of a challenge to government policy (*Citizen Traveller*) and the keeping of contentious issues out of the public domain (*Keeping advocacy in-house*).



Conferences

As with media, conferences can be high-visibility activities which invite borders being explored to test what may or not be advocated.

Case study:

‘Are we paying for that?’

A largely state-funded community based national organization, dealing with a sensitive social issue, planned to hold a national ‘think tank’ type event on the issue. The title of the event contained what some might consider a controversial policy option. Funders asked its director if ‘they were paying for that?’ and went on to say that this might cause problems for them and they would have to get further advice. The funders then instructed the organization not to proceed with the invitations until further advised by them. The organization decided to alter the event title and after some time the funding department eventually agreed that the event could proceed on that basis.

Two conferences proved to be extraordinary events for a regional network. This story raised a range of issues explored earlier, such as the services paradigm and the right of charities to engage in advocacy (see chapter 2). It is included here because the démarche on these issues took place at a conference, at which the organization’s right to advocate was laid bare and following which, to use its own words, it ‘went quiet’.

Case study:

‘You are paid to deliver a service, not to question’

When the network made a call for improved standards of services, it received a complaint from an official in the Department of Justice, Equality and Law Reform. The official said that the network was paid to deliver services and not to lobby. The same year, the network organized a national conference, the advance brochure of which included information on speakers and a prompt sheet of questions for participants to consider. The conference brochure, which to outside observers appeared to be routine and innocuous, was immediately challenged by the same official at the Department of Justice, Equality and Law Reform. The official contacted and questioned them as to why they had dared to ask a number of the questions contained in the brochure, ‘you have no right to do so, you are paid to deliver a

service, not to question what the government is doing. You are wasting EU funding and the European Union would not be happy'. Some days later a second official told the network to 'be careful'. She said she understood that organizations such as the network felt the need to lobby to promote their agenda but that if that brochure landed on the minister's desk, questions would be raised about their funding and she could receive a letter from him telling her to cease funding the network straight away. In the end, the event happened, a representative from the department attended and the proposals put forward by the delegates were sent to the department at the request of the second official.

The following year, the second official told a number of voluntary organizations associated with the network that they had no business engaging with lobbying and engaging with politicians. It was not their role: 'charities can't advocate if they get government funding and you must cease lobbying, you are not paid to do this. If the Minister For the European Union found out at any time over the following seven years, you would be liable to re-pay the money received'. Participants were stunned and silenced by this. A representative from a Northern Ireland agency chided some of those present for being as quiet as mice and asked 'Are ye mad? That would never happen in the north. We get the same European money and we've never been stopped from lobbying or advocacy work. It just wouldn't happen'.

Following this event, many of the organizations involved became fearful of being involved in any further lobbying/advocacy work. At an event in a Dublin hotel two years later convened to press for improved services, a senator from the region contacted the network and strongly articulated his displeasure at its involvement in lobbying. He told the network to concentrate on the work that they were funded to do and to cease advocating for increased investment in the sector, saying that this was not what the organization was funded to do and that he would be reporting it to the department.

This was an extraordinary episode, one of the most striking encountered in this research, in which officials were unusually explicit - and, granted the audience, courageous - in confronting voluntary and community organizations about the limits to their advocacy, the supremacy of the services-only doctrine, the importance of not engaging with public representatives and the dire consequences that might follow a failure or refusal to obey. The threat to funding was clear, as was the quietness that followed.



Publications and film

If conferences were an unexpected place where the advocacy-funding link was tested, publications were a more expected location. Here, films occasioned the drawing of battle lines. In the first case, a development organization released a film it had commissioned. It did not keep careful enough editorial control over the film and in retrospect the film may have been simplistic and critical to the point of being polemical. The state agency concerned was furious and the minister complained personally and publicly. Funding was not withdrawn, but relationships went from friendly to ‘nervous acquaintance. Whether the agency would let us keep the funding now is not so certain’ the organization’s coordinator reflected retrospectively. This was the second film, which had consequences for all publications.

Case study:

Beating us over the head

A voluntary organization contracted the making of a film about its field of work. The film was quite subdued in tone, but ‘the problem arose when comment was made about the film on an independent blog site. There was a phone call from our funding agency which had been contacted by a government department querying why funds had been given to us to “to beat us over the head with?”. The funding agency called us in for what turned out to be a difficult meeting. The agency itself was not unsympathetic to us, but explained that it could lose its role in programme management. We were told our funding would be withdrawn if we did not change the focus of the work funded by the programme. We were told not to engage in any campaigning or advocacy and to avoid any focus on the department. We protested that we were an autonomous organization, we were carrying out an agreed work programme but did appreciate that the communication of the action was controversial. The ridiculous aspect of this whole story was that this was an unprompted blog written by someone else over whom we had no control! In the end, we agreed to re-state our objectives in order to retain the project funding. The funding agency required prior approval of future publications. Monitoring went up several notches. The output from the agreed action was well received and has since been used by the original government department in its own work’.

One organization found that a postcard was a far from innocuous form of publication. The postcard dealt with the growing social housing lists and unmet housing need. On the postcard, senders pledged to support four key issues to which they wanted to bring to the attention of members of the Oireachtas. The campaign had a big public launch in Dublin. The next day, the director was telephoned by a senior local authority manager whose first question was 'are we spending money on this?' He then challenged why the money was being spent on such a campaign. It became the last campaign of its kind and the organization went back to 'safer' pre-budget submissions.

Case study:

The supplement

These issues were not confined to the voluntary and community sector. A state agency published a Sunday newspaper insert on child poverty, which was then a priority government policy both under the National Anti-Poverty Strategy and national social partnership. It quickly received a complaint from its line minister, relayed via its secretary general. The agency was called in and told explicitly not to do this again. The veracity of the information in the supplement was not disputed and was agreed to be professional. But it was the first and last supplement and from that moment on the question was always raised 'What will the department think of this?' In a related case, the agency was told that the issue was uncomfortable for the department and 'we may have to account for it in the Dáil'. The minister's discussion was never 'what can we do about the issue in hand?' but rather 'how can we play it down so that it is not an issue at all?'

These are striking cases in which state intervention obliged, in two cases, voluntary and community organizations, to desist from particular forms of advocacy, in both cases, the termination of funding being used as an instrument in each case. In the third, a state agency was likewise required to desist from its particular form of advocacy (a Sunday supplement), with ministerial displeasure made clear.



Issues

It is already apparent, in looking at the advocacy-funding link, that just as some outlets of advocacy are more sensitive than others (e.g. media, conferences), so too are particular issues. In attempting to construct a pattern, those that emerge as more sensitive than others are community development, childcare, women's issues, development education and corruption. In the area of development education, an example comes from Banulacht, which worked in the area of development education around women's issues, closed when, in 2012, it was told that advocacy and campaigning work would not be funded and that it must concentrate on training. The precise reasons for the change of course by the state were never explained. Although Banulacht had the option of 're-defining' its work in the hope that a blind eye might be turned, it took the principled decision not to compromise its ethos by eschewing an advocacy role.

In the case of corruption, the Centre for Public Inquiry provides the example. The story of the Centre for Public Inquiry was reviewed briefly in *Funding dissent*, but deserves further treatment here. As *Funding dissent* noted, this is an unusual example, because it concerns not the government's suppression of a government-funded body undertaking advocacy, but the government's extinction of a private body doing so. It is included because organizations against corruption and transparency are an integral part of the voluntary and community sector in other European societies and arguably essential for any healthy society and democracy.

Case study:

Centre for Public Inquiry

When the Centre was established (2005), it generated immediately negative reactions, with reports that the Taoiseach expressed concerns that this would duplicate the work of tribunals (though his language was more colourful), the Tanaiste that it was supported by 'foreign money' (even though the same foreign money was then supporting the largest ever investment programme in Irish universities) and that the Minister for Justice attempted to locate the funder in the United States in order to try to get him to cease his support for the project. The Centre duly embarked on its programme of work, publishing reports on planning issues concerning Trim Castle and then the Corrib Gas field, the latter being doubly controversial

because some of the protesters were then in jail. The centre used the Freedom of Information Act extensively, which had the effect of alerting government as to its lines of investigation.

A third report was due in spring 2006 on the Dublin Docklands Development Agency. Because of the suggestion that there was an improper involvement there by Anglo-Irish Bank, alarm bells sounded in government. The Minister for Justice had by this stage managed to meet the funder, reportedly informing him that the Centre for Public Inquiry represented a threat to the security of the state. Learning of an upcoming board meeting of the funder, including its location and contact details for its board members, papers were rushed to the board, containing a lengthy set of unproven (and never prosecuted) allegations against the director of the centre, which led to the board immediately withdrawing its support for the centre, which quickly closed.

Corruption, we know from elsewhere, is considered a contentious issue, one which touches universally raw nerves from state agencies to the courts. Although in other countries, independent organizations had played a decisive role in the struggle against corruption, Ireland was unusual insofar as neither government nor Oireachtas was prepared to tolerate an independently-funded organization working in the field, to the point of ensuring that it went unfunded. This case was especially illustrative of state attitudes in this controversial field.

Finally, there were two cases where there was no definable single issue which provoked a *démarche* with the state, but where funding and advocacy were intimately linked.

Case study:

Behave! The story in the words of one national voluntary organization

‘Funding for advocacy work became increasingly difficult. When we applied for funding that year, we used the word ‘campaign’ a number of times and we were told that government would not fund staff time for this: we were told informally that the government could not ‘fund organizations to campaign against it’. In our new proposal for three years of funding, we took out the ‘campaign’ word, re-orientated the proposal using other language around citizenship and obtained three years of funding. Problems soon arose when we contributed our views on a policy area we had been working on. We were told that critique on this policy area was sensitive. The government retrospectively refused to pay the cost of some of this work, which we had to pay for ourselves. The government was increasingly asking what percentage of our time was going to advocacy and lobbying. Following a subsequent publication, the government came back to us with ‘concerns’ and we were summoned to a meeting. We knew of another organization that had contested an equivalent issue and had paid dearly in funding terms, so we did not feel we could contest the decision. We were given a warning and told to ‘behave’. This has informed the subsequent funding relationship with the government.’

An especially striking feature of this story was the automatic assumption that any advocacy was necessarily adversarial, oppositional and ‘against us’. One patient advocacy organization not only found its funding withdrawn, but its replacement within the representational system by a rival.



Case study: Patient Rights

One national organization enjoyed ten years of departmental financial support. Not only that, but it successfully challenged the HSE ‘no advocacy’ clause, getting it replaced by a Memorandum of Understanding (MOU) which affirmed its advocacy role. Its advocacy work had high visibility and it could point to distinct policy changes resulting therefrom. After the government changed in 2011, all its funding was suddenly ended, going instead to another, apparently more favoured organization, one which it felt would give the minister much less trouble. Civil servants presented implausible explanations for the ending of its funding, such as questions about its services which had never been commented on before. The new minister responsible had questioned its funding when in opposition. Indeed it was told that the funder was not for turning and that the minister could not intervene in an operational issue despite the perception of the minister having gotten involved in operational issues in his own constituency. The most upsetting thing was the lack of transparency in the funder’s decision and that the minister was even too busy to discuss its large case load of patient cases already presented. Other officials appeared to be too embarrassed to speak further about the matter. In the Dail, the minister denied any involvement in the decision but motions to have the matter debated were defeated on procedural grounds.

It was the experience of voluntary and community organizations that permission for advocacy was dependent not only on issues, but on the attitude of individual officials. One contributor who had worked in a state agency found that most officials had no problem about public servants and voluntary organizations speaking openly and feeding issues up the policy chain, but ‘there are some public servants and public representatives who can’t brook dissent. Possibly they can’t cope with all the information flow coming in, so they decide to close it down’. ‘In one part of the country, a specific manager in the HSE seemed to develop a dislike, even open contempt, for a Traveller healthcare project. The hours of the primary healthcare workers were reduced from 20 hours to 9 hours. One of the Traveller organizations took a stand on their behalf and helped call in the union, although unsuccessfully. Then six months later its development worker post was cut from 5 days to 2.5 days, making it hard to avoid the conclusion that this was connected’.

3.6

Conclusions

This chapter explored examples where the funding-advocacy link came under a test far sterner than the issues of inhibition recorded in chapter 2. Here, in chapter 3, there was evidence of the state taking a more deliberative role in suppressing advocacy, such as the experience of *'You are paid to deliver a service, not to question'* laying bare exactly where were the limits and the retribution that would follow a failure to observe them and the example of voluntary organizations having to re-pay money because of publications subsequently deemed to have strayed over an unstated line between the permissible and the impermissible. An overall problem, except in the case of the SLA, is that these boundaries are generally unclear, leading to much wasted time and energy.

A striking feature of the advocacy-funding link was the preparedness of the state to ensure that issues did not get into the public media, taking the extreme form of departmental officials apparently devoting state resources to monitor comments posted on independent blogsites. The case study on racism was an example of not only advocacy being kept in house, but any mention thereof being kept off the airwaves, with the result that any action on the issue would forever be forestalled. When issues did get into the public domain (postcards), then state threats to funding could be quick and brutal. An interesting feature of this climate of intolerance is that it applied to relatively minor challenges. One reported comment in one newspaper led to an organization apparently losing its lottery grant, a disproportionate retaliation for a minister used to a daily barrage of criticism in both press and Oireachtas. It was apparent from the *Behave!* case study and the *Citizen Traveller* episode than even one mistake can be costly. Over-reaction seems to be a feature of many of the state's reactions, with controversies blowing up about what should hardly be such contentious issues, such as the process of educational integration.

A feature of the funding - advocacy link is that it has been difficult to establish a pattern of the type of advocacy favoured by the state or not. At first sight, it would be tempting to search for patterns of the state favouring quiet, insider organizations whilst possibly also yielding to those who had the most substantial media imprint, those who 'shouted loudest', denial of funding to whom would be disruptive. A recent attempt to do so found that allocations were governed more by idiosyncratic ministerial preferences, the need to route funding into particular constituencies and often poorly-informed and inconsistent assessments by officials of the professionalism of organizations.²¹ This chapter did uncover a clear case of one funded organization (*Patient rights*) being abruptly replaced by a suddenly-favoured rival, but it stands out as an exception. Perhaps the surprise was that some issues are more sensitive than others (childcare, women, corruption, development education) and that some locations (e.g. public conferences) are more sensitive than others. Inconsistency not only across but within government departments in their handling of advocacy is all too evident. To give two examples, the Department of Justice has clearly supported outspoken advocacy organizations (e.g. FLAC, chapter 1), but is the same department cited in *Citizen Traveller* and *You are paid to deliver a service, not to question* (chapter 3). The Department of Health funded a study for health targets for the National Anti-Poverty Strategy (chapter 1), but its minister appeared to pull lottery grants on an organization that disagreed (*Losing the lottery grant*, chapter 3). Even heavy-handed interventions by idiosyncratic ministers cannot explain the underlying level of inconsistency. An interesting side-aspect is that European-related issues that are not sensitive in Europe are sensitive in Ireland. For example, although the European Integration Fund applies no restrictions on publications, the Irish agency operating the programme requires all texts to be vetted in advance. In the area of development, the European Union has never been known, through funding, to prevent criticism, a contrast to the picture here.

Several voluntary sector participants were frustrated about the lack of either a place for dialogue with the state about advocacy, or the possibility of having an adult conversation even if there were such a space. One organization whose experience was cited here commented that 'there is no point in quoting the sentiments in *Supporting Voluntary Activity* about the independence of the voluntary sector: it's blunter than that down in the trenches'. No conversation was possible and the state appeared to be shameless about doing so. In several of the stories cited (*Beating us over the head; The supplement; Behave!*) organizations were put through a full theatrical ritual of summons, reprimand and capitulation. In only one case was there a successful challenge (*Prime Time*), whose outcome probably owed less to the actual discussion than the skill and affirmative action of the chief executive concerned; and another negotiated a MOU (*Patient rights*).

21. *Reforming public administration: the national funding scheme for voluntary organizations – a case study*. OPEN, EAPN, 2012.



Conclusions

The main body of this research, as told through the experiences of activists, workers and managers in voluntary and community organizations, as well as some 'stateside' participants, tells a story of state support for advocacy (chapter 1), inhibition (chapter 2) and suppression (chapter 3). Some of these experiences do not lend themselves to easy classification, definition or interpretation. Equally, it is important to search for patterns, events, or a means of making sense of this experience. Despite the variety and inconsistency of experiences, it is possible to make a coherent narrative of what has and is taking place and to draw out conclusions, lessons and issues arising. This chapter explores the conclusions of this research through a sequence of interconnected passages: developing a narrative to explain what has happened (4.1) and examining how it relates to the forms of advocacy explored (4.2). A specific issue arising is the capability of the civil and public service (4.3). The chapter then looks forward with suggestions for The Advocacy Initiative (4.4), before some concluding remarks are made (4.5).



Developing a narrative of recent events

At the risk of making an obvious point, the inconsistency of the state approach, not only across but within departments and agencies, is apparent. One of the functions of *Supporting Voluntary Activity* was precisely to put a policy in place that would lead to consistency in the state approach to voluntary and community organizations. The inconsistency recorded here (3.6) is a real casualty of the failure of the state to apply its own white paper *Supporting Voluntary Activity*. The lack of voluntary activity units, promised in the paper, means that the place where these issues could be thrashed out does not exist. Although voluntary and community organizations in social partnership had a beneficial impact on the state's capacity to develop economic and social policy and practice at one level, many other parts of the state failed to profit or learn from this positive example.²²

Despite this inconsistency of pattern, it is evident that what is here called a strategic turn took place in the early years of this century. The case study 'The policy unit' can even pinpoint that moment precisely in time: between 18th and 29th June 2002, when the incoming government abandoned the policy unit (case study, 3.1) and set in train the series of events that led to the closure of the Community Development Programme and the current alignment process. Nowhere was this strategic turn heralded in government policy at that time, so we must rely on a pattern of evidence. The evidence that the events which followed represented a real example of the state using funding to restrict and even suppress the advocacy role of some of the community sector is, taken in balance, overwhelming, especially considering the flimsiness of the arguments presented by the department for its actions (3.1).

The second element of this strategic turn was the services paradigm, which would have been a foreign notion in the 1990s. In part, it was associated with the introduction of the Health Services Executive, another, separate likewise-unheralded innovation of the 2002 government.²³ The HSE, whose construction was based on the radical, forensic but ultimately artificial disconnection of 'services' from 'policy' was an inadvertent but decisive contributor to the 'services-only' paradigm. It was one that suited those who shared in the project for the reconfiguration of the contours of the state and the voluntary and community sector, one in which an advocacy role

22. Larragy, 2014, *op cit*.

23. Rarely has the re-election of a previous government - which normally brings continuity - led to such significant shifts in policy. Not only was civil society and the health services affected, but substantial change was apparent across many sectors, for example heritage policy where Dúchas was abruptly swept away and other changes introduced. See Cooke, Pat: *Stabilizing cultural policy - a review of the departmental and non-departmental structures for cultural administration in Ireland. Administration*, vol 61, §1, 2013.

could be clinically exfiltrated and limited to 'other funding sources' outside the HSE. The parallel no-advocacy clause (§2.8) was also a testament to the extraordinary insecurity of the HSE that any effort to seek to 'persuade' people about a matter of policy was regarded as such a fundamental threat that strong countervailing dissuasive powers were required.

In constructing a narrative of the events of the past two decades, many participants in the research saw the period around 2002 as the turning point. Social partnership from the late 1990s had created a positive dynamic between civil society and the state and a more open relationship between the two. This did not last. By 2002, voluntary and community organizations were seen as having too much power and influence and that had to be curtailed or even reversed. 'Voluntary and community organizations, though, were a disruptive force. Career progression in the public service requires keeping your copybook clean and being criticized by a voluntary organization might jeopardise that, especially in a policy-sensitive area', one said. Critics argued that the closing down of community development and the advocacy activity related to it were closely connected to economic conditions which had earlier given scope for advocacy but were now squeezed out by the imperatives of early century economics in the early part of the decade and crisis capitalism from 2008.²⁴

²⁴ For a further exposition of this explanation, see Klein, Naomi: *The shock doctrine – the rise of disaster capitalism*. London, Penguin, 2008.

4.2

Forms of advocacy and their disruptive effect

An important question raised by this research is whether the advocacy-funding link is tested by the forms of advocacy undertaken by voluntary and community organizations. Could this explain the many apparent inconsistencies in state reactions? Is it a case that the state is able to respond to advocacy presented in a 'reasonable way', evidence-based, non-confrontational? Does a solution through this problem lie in voluntary organizations making the effort to appear to be reasoned, responsible, measured, not springing nasty surprises on civil servants or ministers? As outlined in the text, they devoted considerable effort to managing this relationship.

Whilst such a relationship may be in evidence in some sectors and some organizations (chapter 1), it is equally clear that this is not universally so. Government has reacted negatively to groups that could in no way be considered immoderate or extreme. Quite a number of the actions of suppression recorded in chapter 3 were quite disproportionate to the challenges made, many of them unintended and inadvertent. One voluntary organization, for example, learned from speaking to some department officials that its sector was regarded by civil servants as 'a whingeing, crying lot, always shouting and never happy'. Some officials strongly objected to its international contacts and warned not to be 'influenced by high-falutin' international people who'll lead you down the wrong path'. Its policy proposals, which were very much based on the European mainstream, were regarded as a step too far and the network was told 'the government would never support this kind of stuff'. A possible explanation of some reactions is that such organizations can have quite significant effects on quieter, hitherto undisturbed policy areas, a form of 'disruption theory'.

In the few cases where leaders of voluntary organizations had spoken to officials to discuss these issues, they had been told how important it was that they learn to 'manage their relationship' with the state - but the problem was the erratic nature, volatility and unpredictability of state reactions. One informant spoke of how officials in a department 'could be on the phone with a complaint within the hour', while other officials from the same department 'would turn up at a press conference to offer support. All you need is just one or two insecure officials to ruin everything'.

The closure of the Centre for Public Inquiry, one could argue, was a pre-emptive strike against an organization perceived to be destabilizing. The irony, of course, was that the immediate cause of its closure was the need to protect the good name of the senior officials of Anglo Irish Bank, who, only two years later, were to destroy the Irish economy. The Centre for Public Inquiry had been able to bring to bear sustained resources over time into long-term investigations, exceeding the capacity of the depleted staffs of the press and other media. Whilst one appreciates that civil and public servants like to work within a predictable, certain policy environment, it is surprising that they set the tolerance bar for the disruption of that environment so low that even a small organization was seen as such a threat that it must be taken out. This research recorded so many examples of over-control, from the issue of racism (*Keeping advocacy in-house*) to the need to replace an outspoken patient advocacy organization with one that its critics might consider, possibly unfairly, a 'pet' (*Patient rights*) to requirements that publications be vetted (*Beating us over the head*).

A view of many participants was that the state was unable to take 'radical critiques, especially in the economic changes of recent years', though, arguably, the state may be unwilling to contemplate even moderate ones. Several attributed the problem to a fundamental immaturity in Irish politics, one we rarely even talked about, one even calling it 'an unresolved issue from the 1950s of what we are allowed to talk about, or not'. One critic noted sharply that our 'tolerance of poverty was matched or exceeded only by our intolerance of talking about it'. Several were aware of and cited the Father Ted episode *The passion of St Tibulus* in which Father Ted and Father Dougal, on Vatican command, chained themselves to the railings outside the Craggy Island cinema to try to stop a disapproved film from airing, carrying placards 'Careful now!' and 'Down with that sort of thing!'.²⁵ One informant contrasted the restrictions on advocacy by voluntary organizations with the academic freedom enjoyed by universities: 'they would never tolerate the government, which funds them, telling them what they should or should not research or demand money back if they were critical'.

The lack of space for debate on advocacy-funding issues, either at this philosophical level or at a specific practical level, has already been touched upon (3.6). In looking to the future, it is critical that this is an area which should be opened out. No organization reprimanded here for outspokenness ever raised the commitments of the white paper *Supporting Voluntary Activity* which upheld the principle of the autonomy of the voluntary and community sector and its right to criticize. One voluntary organization which went through the experience of a reprimand and withdrawal of funding said:

'Arguing was futile. Winning was costly, for we knew of another organization that won the argument, but lost so much later. Officials were never prepared to have a debate about the autonomy of voluntary organizations. They only got annoyed if you tried to do this. You can have the philosophical argument if you want, we were told, but it won't change things. Sometimes they said that they privately even agreed with us, but were afraid of the external consequences and perceptions. Ultimately they explained that this was the decision and this was the way it was going to be. In the recent review of government policy in the area, this epic battle was never mentioned and no one was prepared to raise the issue. Don't rock the boat was the word'.

25. Series 1, episode 3,
The passion of St Tibulus.

This is, by definition, an irrational environment, in which discussion is not even permitted, for that is a first step to resolution. Except in one part of the country (the south), there was no space whereby HSE advocacy-restricting clauses could even be argued. Except for a few cases, the HSE appeared to view the no-advocacy clauses as non-negotiable, take-it-or-leave-it (i.e. do without the funding). Many community groups reported that not only had they not challenged the no-advocacy clause, but there was no place to do so.

In this world of leaky boundaries, voluntary and community organizations find themselves adopting a range of strategies to protect their advocacy work: blurring the distinction between advocacy and service provision (e.g. describing advocacy as 'education'); creating coalitions (to provide cover); changing the way advocacy is done; redefining their work, combining their strategies of evasion with the collusion of some sympathetic state officials; but also doing less and doing it more carefully ('chill effect').

“In this world of leaky boundaries, voluntary and community organizations find themselves adopting a range of strategies to protect their advocacy work”.

4.3

Capability of the civil and public service

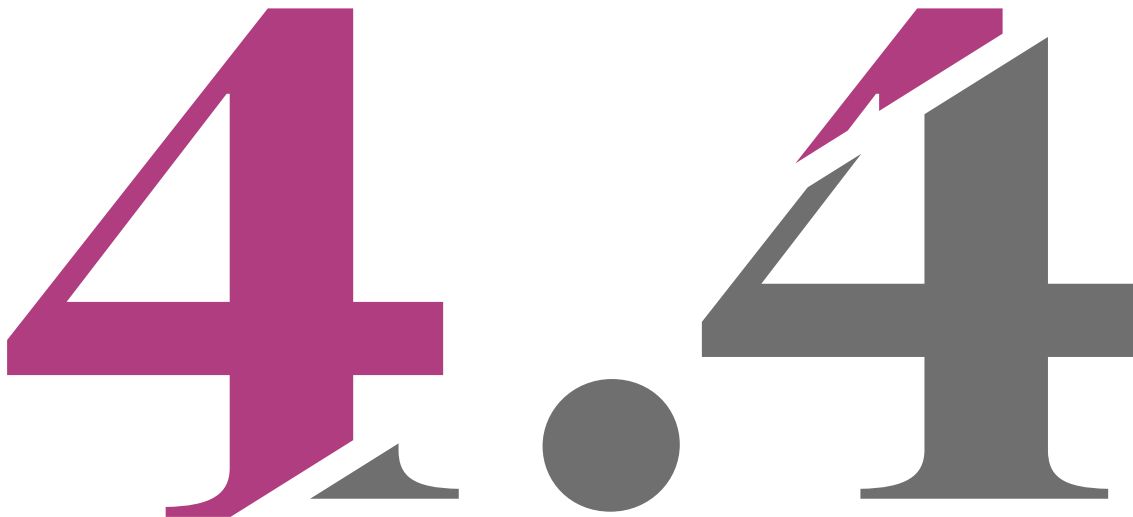
Those who contributed to this research were well aware of how unwelcome these case studies, stories and narrative may be to the 'state side'. Nevertheless, they felt it important to present a voice, a story, an experience that had not been heard to date or systematically recorded. This was a state with which they wished to engage, one with which moreover they wanted to have a more positive relationship. The view of 'the other side' is a matter of great interest to The Advocacy Initiative, which recently published its perspective in *In Other Words*.²⁶ Many had reflected long and hard as to why the voluntary - state relationship was, in some cases, so problematic and caused so much anguish. Some of the issues arising are explored here.

Many activists commented here on how they felt the civil and public servants with whom they dealt had little or no experience or knowledge of voluntary or community organizations, nor of how to deal with them. Not only that, but many civil and public servants appeared to be untrained in issues that affected civil society, like racism, social exclusion, meaning that they were ill-equipped to handle organizations that addressed these issues. Voluntary and community organizations were struck by the wide variation of behaviour of civil servants, with no form of external validation. In the course of the study, many stories were relayed back of the extraordinary antagonism expressed by some civil servants toward voluntary organizations, some quite extreme. One attacked a leading human rights organization as 'a bunch of trots,'²⁷ while another was reported to have 'gone on and on complaining about NGOs at a heads-of-units meeting. When NGOs criticized Ireland at an international meeting (the United Nations), he made it clear that their doing so was quite inappropriate'. When there was criticism, they tended to respond personally, to personalize the issue: they had not been trained to handle such issues objectively. Many NGOs found government officials to be not well disposed to them. NGOs were regarded as 'difficult': they had to be 'managed'. One of the reasons for opposition to international conventions was that they were regarded as 'another stick for NGOs to beat us with'. NGOs should be able to engage in fearless advocacy, but 'civil servants could not handle that'. Equally, there were civil servants who valued the role of NGOs and even relished the rough-and-tumble of policy exchanges with them, but that was exceptional. Several participants volunteered that many conflicts were 'usually about individuals, rather than political change'. But there was no system to depersonalize or moderate such behaviour.

26. Walsh, Kathy et al: *In Other Words: Policy Makers' Perceptions of Social Justice Advocacy*. Dublin, The Advocacy Initiative, 2013.

27. Followers of Leon Trotsky (1879-1940), President of the Petrograd Soviet and People's Commissar for Foreign Affairs.

The issue here is not that civil servants should not have views on the role of NGOs - clearly they are entitled to hold personal views antipathetic to them if they so wish - but that there should be some kind of firewall between their personal views and their public behaviour as servants of the state, with training provided accordingly. The future, or even survival, of NGOs should not depend on the whim of capricious individuals who might develop, for whatever reason, an arbitrary antipathy to an individual, organization or issue. Voluntary organizations were criticized as 'anti-establishment' or 'anti-state', but there is no challenge to matching state behaviour. It was the experience of numerous activists that 'the Irish state was inclined to regard *any* critique as oppositional'. Intolerance of advocacy, several activists took the view, was the function of an insecure, weak state: a strong state, comfortable in itself, should be able to take criticism. To return to the broader context of civil society, a state should welcome an engaged voluntary and community sector, for a state in which it ceases, for reasons of corruption or oppression, to be engaged at all poses a far greater threat to democratic governance. In summary, civil or public servants who deal with voluntary and community organizations should have some knowledge or training in the area. The sector has paid dearly for the concept of the 'generic civil servant' who is supposed to be universally competent, but in this area was clearly not so.



Looking forward

The experience of voluntary and community organizations of the advocacy-funding link leaves a short but formidable task list for The Advocacy Initiative and those who will develop the legacy of its research into the voluntary-statutory relationship. These are:

- The importance, despite the difficulties and likely reluctance on the government side, of developing a space where voluntary sector - governmental relationships, including such contentious areas as advocacy, may be developed in a place of structured dialogue.
- At a general level, the need for the state to re-affirm the principles of the autonomy and right to advocacy of voluntary and community organizations as expressed in *Supporting Voluntary Activity*.
- The need to affirm the value, as explored in *Funding dissent*, of an advocacy-minded voluntary and community sector that contributes to both the 'good society' and quality public administration. Voluntary and community organizations are known to contribute knowledge, expertise, ground truth and a long-term perspective to the policy-making process. They ensure the participation of disadvantaged groups and minorities. They are important roles as watchdogs and assist government in the buy-in to and communication of policies.
- There are examples of good practice, such as the funding of organizations in social partnership, local and national, with a small number of individual examples, such as MOUs between voluntary organizations and funders.
- The need to challenge the bad practices of the Irish state, as exemplified by its restrictions on advocacy, micro-management, authoritarianism, censorship, extreme, personalized and, in some forms recorded here, more extreme behavior. The successful challenge cited in a case study (*Prime Time*) is an example of what can be done.
- Specifically, the need to challenge and overturn the 'services-only' paradigm, with its pernicious consequences for advocacy, as well as the parallel no-advocacy clause §2.8 of the SLA template.
- The need to challenge the inconsistency of behaviour of civil and public servants in their dealings with the voluntary and community sector, with the development of a code of guidance that will promote a more consistent approach, assisted by training.

On 13th March 2013, the Australian Federal Parliament passed a Bill introduced by the Minister for Finance, Senator Penny Wong, to ban what are termed there 'gag clauses' in grants for voluntary and community organizations. The federal legislation was prompted by clauses introduced by the government in Queensland that did not permit organizations to 'advocate for any change in legislation or policy', a phrase reminiscent of SLA §2.8; and by a report by the Productivity Commission which found that the performance of NGOs had been negatively affected by micro-management by their funders. The Not for Profit Freedom to Advocate Act, 2013 prohibits funding agreements with voluntary or community organizations which: §5.1...restricts or prevents a not-for profit entity (including staff of the not-for-profit entity) from commenting on, advocating support for or opposing a change to any matter established by law, policy or practice of the Commonwealth.

Ireland frequently looks to the Southern Ocean antipodes for inspiration in social policy and public administration, so it should warm to this experience. It is relatively short legislation which could quite swiftly be adapted as a private member's Bill or to amend existing legislation in passage through the Oireachtas.

4.5

Final remarks

One expert sagely remarked that the real significance of the funding advocacy link was that it was 'really about broader issues, such as civil society, openness, the quality of our democracy and the treatment of minorities'. Ireland has, as we already know, an unresolved issue about its relationship between the state and civil society, one which it had been hoped would have been resolved by *Supporting Voluntary Activity*, but this proved not to be the case. Ultimately, it is up to voluntary and community organizations to make a self-critical space where they may reflect on their current situation, develop a narrative of the events of the past two decades, come to terms with their fear of the state, develop strategies to survive, challenge inhibition and suppression, put forward practical proposals to address the experience outlined here, while working to create an enlightened model of civil society.

Annexes

1. Letter of invitation

Request to assist in study on links between public funding and social justice advocacy

The Advocacy Initiative is undertaking a study on the links between public funding and social justice advocacy. We are interested to learn how public funding influences the practice of advocacy, be that supportive, restrictive or neutral. We have already commissioned a background paper, available at www.advocacyinitiative.ie

We are looking for examples, with as much evidence as possible, of ways in which the state or its agencies have used funding to:

- Promote advocacy by voluntary and community organizations; or where it may have used its authority to
- Restrict or inhibit the ability of voluntary organizations to undertake advocacy, lobbying or campaigning.

Our aim is to find the ‘ground truth’ of the link between funding and advocacy so as to increase understanding of how public funding and advocacy interact. We are looking for information, experiences, case studies or examples by e-mail, telephone or through personal interview, by mid-May if possible.

If you are in a position to help, please will you contact the researcher, Brian Harvey on e-mail: brharvey@iol.ie or by phone, 01-4903039

Please be assured that any information supplied will be checked back with you to make sure you are comfortable about the manner in which it may be used and published and this will be discussed with you. It is hoped to run a seminar or some form of event on this, probably when the research concludes.

The Advocacy Initiative is a three-year community and voluntary sector project that promotes understanding, awareness and effectiveness of social justice advocacy in Ireland. By creating the conditions for stronger social justice advocacy, the Initiative will strengthen policy responses to existing and emerging challenges in addressing poverty and social exclusion, contributing to a more inclusive and equitable society.

Further information is available on: www.advocacyinitiative.ie

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