A Strategy for the Third Sector
(Charity, Community and Voluntary organisations)

Association of Guernsey Charities

January 2019

Introduction by Malcolm Woodhams,

Chairman - Association of Guernsey Charities

This is the first time the AGC has ever published a formal strategy in consultation with its members.

These are difficult times for charities, community and voluntary organisations in the Bailiwick. We know from discussions with many of you that you face several challenges around your missions,

Recently there have been some interesting initiatives, such as the proposal for the establishment of a Social Investment Commission, which we have championed, and the less than successful Third Sector Development Group. More initiatives will almost certainly follow as we all try to do what we believe is the best for our community. We believe it is important to frame these initiatives within an overall Strategy for the Third Sector, so that we have some guidelines for considering how to make them both successful, and work in the wider interests of our community.

So this Strategy document provides structure and impetus for development of the Third Sector, and will be used to guide both an agenda for change and our response to new initiatives and development of existing initiatives.

This strategy was developed in consultation with AGC members. The AGC is grateful to the many members who provided substantive responses, and to those who generally expressed support for this initiative.

Malcolm Woodhams
AGC Chairman
January 2019

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1   Why do we need Third Sector organisations?

Third Sector organisations exist to serve our community. In Guernsey, they address either a recognised need (where Government has made a deliberate choice not to support a need), or a need perceived by members of the community, that is not provided by the States, both for the benefit of the community. Our community would not be the same without them.

So, in Guernsey, people feel inspired or motivated to help their community if there is an issue or cause particularly close to their heart, or one in which they see either people or the island directly benefiting. In some cases, this is due to the lack of, or gap in, provision of a service. Poverty, vulnerability and disadvantage still exist, and we feel the need to help. We see things in our community where government chooses not to act, and we feel the need to help. We become aware of things going on beyond our community where we can help make lives better, and we feel the need to help.

Some commentators question why Third Sector organisations are needed at all. They point out that social democratic philosophy is more rigorous and encompassing in other jurisdictions than in Guernsey, such that all members of the community are treated equally by the State, as provided for under international Conventions on Human Rights, and national and international Laws, and the need for charitable work is therefore significantly less.   We look at this further in section 7.

Notwithstanding this point of view, Third Sector organisations in Guernsey are an integral, and natural part of a cohesive, caring community, and a pragmatic response to real or perceived strategic shortcomings in development and implementation of social policy.

We should strive to foster, encourage, support and develop our Third Sector organisations. They are a vital part of our social fabric and we must not take them for granted.

This Strategy is an important step in recognising the importance of their vital contribution.

2   Why do we need a Strategy for the Third Sector?

Our Third Sector engages people with the community, for the benefit of both.

It helps the disadvantaged and vulnerable in our community, complementing and enhancing the basic safety net provided by Government. In some cases, Third Sector organisations are providing the basic safety net.

Social pressures and priorities evolve over time. It is too easy for the Sector, which receives little or no support from Government, to fall behind, or to work inefficiently, or to fail to do some key things that our society needs, and that Government finds it hard, or is unwilling, to support. It is possibly a weakness of the States' Plan that there is no over-arching strategy for social policy, but this may become necessary as Human Rights conventions, in particular the Convention on the Rights of Persons with Disabilities, are adopted.

There is a high degree of overlap between services provided by our Government and Third Sector organisations, and significant opportunity for the Sector to do more, so as to reduce the footprint of Government and at the same time improve both levels of service, and outcomes.

The Private Sector has a Strategy developed by the Committee for Economic Development, the Public Sector has a Strategy developed by the Committee for Policy & Resources. But the Third Sector has no such strategy. This is a lost opportunity, given the enormous numbers of people involved with voluntary, community and charitable work in Guernsey.

We can pick at individual pressure points, but without an agreed, holistic approach we will miss opportunities and create inefficiency. Recently there has been proposals and initiatives for change in the sector, for example the proposal to establish a Social Investment Commission, which appear to be gaining traction. We need to know which of the these will meet our strategic objectives, and the extent to which they will meet those objectives. There is unlikely to be one initiative that will do everything we need, so we need to establish priorities within our strategy.

3   Why is the sector important to the community?

There is a significant Financial Value to the sector.

Government aims to provides a basic level of service, but sets tough limits on what it will do, so as to promote financial constraint on public spending.

So, our society relies very heavily on the Third Sector to provide the things that government does not.

As our population ages, and medical developments prolong lives it is inevitable that Government costs will rise. The Third Sector can help bring down those costs significantly, and at the same time provide better care.

There is also a significant Social Value to the sector.

There are personal benefits from Third Sector work, giving access to a social network, training and skills development, and in many cases, there are proven health gains, physical and mental.

There are also societal benefits from the building of trust, community and resilience.

The networking within the sector means that it is well placed to connect individuals within the community to the services they need.

The Sector also provides a significant amount of intellectual input and impetus for developing Social Policy in the Bailiwick.

None of this should be taken for granted.

4   What does the Sector comprise, what does it do and what is its contribution to the community?

Third Sector organisations appear on the Charites Register and the Non-Profit Organisations Register, and also some (we know not how many) who are unregistered.

The two public registers number over 500 organisations, and the AGC has 310 members (almost all of these are registered).

Whilst some people have expressed the view that there are too many Third Sector organisations, the AGC encourages the development of a healthy and mature sector, for the benefit of the vulnerable and disadvantaged, and the community generally. Ultimately the absolute number of Third Sector organisations here is driven by gaps in service provision by Government and the constraint that is placed on such organisations by governance requirements, which are set to become more onerous when new charity law is introduced.

It is possible that our sheer number of Third Sector organisations is due in large part to the limitations of States' general strategy for development of wider Social Policy, previously mentioned in Section 1 and explored further in Section 7.

Unfortunately, we have little or no visibility on the financial profile of most of these organisations, or how their finances have developed over the past few years. We do know that grants are available to these organisations, mainly from Government (under Service Level Agreements), from the net proceeds of the Christmas Lottery, from the Lloyds Bank Foundation and the Guernsey Community Foundation. Commercial and private donations (from individuals and charitable trusts) are also available, but again, we have poor visibility on these sources of funding.

We also have no visibility on the numbers of volunteers that serve these organisations, or the value of these contributions to our community, but one unverified estimate puts this at £50m per annum, if we had to pay for these services, based on the scaling down of a BBC analysis for the UK by team of economists working with a member of the Monetary Policy Committee. The 2010 EU study on Volunteering estimated that every €1 of public funding to support volunteering generated €30 worth

of work. As a result, the value of volunteering approximates 8% of GDP. In fact, our States provides no support for volunteering.

As regards the social value of the Sector, there are a number of intangible, but vital, benefits:

- Volunteering benefits the individuals, improving self-esteem, gives access to training and skills development, as well as social networking benefits
- The Sector provides an opportunity for Government to design more effective public services and change those that do not work so well
- The Sector gives a voice to Community Interest Groups
- The Sector provides resilience and adhesion to our Community

A UK report on Community Life published by the Department for Digital, Culture, Media and Sport (DCMS) noted that 46% of people undertaking voluntary activity were doing so because they "wanted to improve things or help people". This supports the widely acknowledged view that people are frequently prepared to help but require leadership - frequently through a Third Sector organisation.

One of the more significant contributions made by the Sector is the determination by some members of the AGC to persuade the States to adopt various internationally agreed conventions on Human Rights, including the UN Convention on the Rights of Persons with Disabilities. Although the States has committed to this, it clearly needs the help and research available within the Third Sector to identify and eliminate discrimination and to provide services which are essential for equality of opportunity. We explore this, and its potential consequences for the Third Sector, in Section 7

5   How does the Sector fit with the States' Plan – "Future Guernsey" themes?

The States of Guernsey Plan articulates the following Future Guernsey themes:

- healthy community
- inclusive and committed to social justice
- safe and secure place to live
- lifelong learning
- centre of excellence and innovation
- mature international identity

As a community, we have resolved to pursue these themes, so we should be mindful, in developing a Strategy for the Third Sector, to prioritise achievement of these themes.

There is no formal definition of "charitable purpose" in our Charity Laws but the following charitable purposes, taken from statutes in other jurisdictions, would fit closely with the Future Guernsey themes (listed in no particular order):

a. the prevention or relief of poverty;

b. the advancement of education;

c. the advancement of health including the prevention or relief of sickness, disease or human suffering;

d. the saving of lives;

e. the advancement of citizenship or community development, including rural or urban regeneration, and the promotion of civic responsibility, volunteering, the voluntary sector or the effectiveness or efficiency of registered Third Sector organisations

f. the advancement of the arts, heritage, culture or science;

g. the advancement of public participation in sport that involves physical or mental skill and exertion, including the provision and/or organisation of recreational facilities; primarily intended for persons who have need of them by reason of their age, ill-health, disability, financial hardship or other disadvantage, or generally available to members of the public at large

h. the promotion of equality and diversity;

i. the advancement of environmental protection or improvement within the Bailiwick;

j. the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage; includes relief given by the provision of accommodation or care

k. the advancement of animal welfare;

l. any other purpose that may be regarded as analogous to any of the purposes listed above.

In fact, most Bailiwick Third Sector organisations can identify and map their own purposes from this list and thereby help us, as a community, achieve these themes.

A definition of a charity is generally regarded as benefiting other people, or the community. Whereas a non-profit is not considered charitable if its main purpose is for the benefit of its own members.

6   What will a Third Sector Strategy achieve?

In very broad terms, the Strategy will help develop the sector, in particular by:

- strengthening the sector
    - financially, making sure that more funding finds its way to Third Sector organisations
    - encouraging volunteers

- growing the sector
    - encouraging new Third Sector organisations (although given the very high numbers of Third Sector organisations already in existence, we should be clear about those that are needed by, or desirable for, the community in general)
    - growing individual Third Sector organisations or merging organisations with similar missions, where appropriate
    - getting new funding into the sector
        - for existing services
        - for new services
    - encouraging volunteering

- improving public trust and confidence in Third Sector organisations
    - improving governance
        - articulating standards
        - training and guidance
    - improving transparency of Third Sector organisations

7   Is the Strategy starting at the right place? Should it look more widely at the extent to which the Third Sector, rather than Government provides support to our community?

Some commentators ask the question, why do Third Sector organisations have to exist at all?

They point out that social democratic philosophy is more developed in other jurisdictions than in Guernsey, such that all members of the community are treated equally by the State following adoption into law of internationally agreed conventions on Human Rights, and the need for charitable work is therefore significantly reduced.   In some countries the use of "charity" is frowned upon because it is often seen (or perceived) as degrading to receive such aid and brings with it a perceived obligation for the recipient to be grateful, which is undesirable. In some countries, volunteering is not seen as "charity" but a personal social obligation.

Ultimately the way a Government approaches this within its social policies depends on its position on social democracy and is shaped by the way it incorporates Human Rights obligations into Government policy and law, and there is an obvious spectrum around the world on this subject.

Some members of the AGC believe that it is a shortcoming of States' that there is no strategy linking development of social policy to the achievement of these obligations.

We do not comment on this within this paper, other than to agree (how could we not) that everyone in our community should have equality of opportunity, and therefore we unhesitatingly support this aim.

Comprehensive adoption of the States commitment to realise our Human Rights obligations, in particular the Convention on the Rights of Persons with Disabilities, should result in service gaps being improved to a compliant standard and may progressively reduce the need for such equality of opportunity to be provided through a charity model. However, properly funded Third Sector community organisations other than charities may still provide the best, most effective and efficient solution, rather than relying on Government to expand its role. It will clearly take some considerable time to begin to achieve

this, and therefore Third Sector involvement, as currently experienced, is both essential and desirable, and likely to remain so.

8　So what works, and what doesn't work?

The ease of registration, and light regulation

The regulatory regime is light, but widely acknowledged as being too light. Currently proposed changes to Charity Law, accepted as being proportionate, should improve this position without proving disproportionately onerous.

Governance needs improvement

Some Third Sector organisations do not have adequate governing documents; again, the proposed changes to Charity Law will improve this position but will place inevitable strain on the sheer number of Third Sector organisations here.

Transparency is increasingly important and needs improvement

Public confidence is vital for Third Sector organisations as a whole. This is enhanced if Third Sector organisations demonstrate transparency and good governance.

Many Third Sector organisations reveal nothing publicly about themselves. The publicly available information on the NPO and Charity Registers is minimal, just a contact address, names of the officers, and brief mission statement.

Some Third Sector organisations have their own websites, but again not all reveal much about the way they spend donors' money.

AGC members can upload their Constitution documents, and their financial accounts, but only a few have done this so far.

Engagement with Government is difficult – see Section 9 below

Funding is very tight, our tax regime provides no incentives, very few numbers of grant making bodies

Most Bailiwick Third Sector organisations struggle to raise funds. There are some specific obstacles:

- the absence of Gift Aid reduces donations, the tax rebate system we have is highly restrictive and benefits a very small number of Third Sector organisations, from the donations of a very small number of donors (approximately 1.25% of Bailiwick taxpayers)
- we do not have Payroll-Giving
- there are very few significant Grant-making bodies, so not too many other places to try if one turns a proposal down
- many corporates, and some HNWIs, make charitable donations but these are very hard (and therefore expensive in time or money) to access, and many organisations insist that grants are project-based, rather than being generally available to service a Third Sector organisations basic mission.
- in practice, vital Third Sector organisations that provide research and pressure in support of implementation of conventions that will require the States to consider its overall position on social policy, find it almost impossible to raise funds for their cause, and cannot be funded by the States, yet without their work, necessary change is not likely to be driven. This is a frustrating disconnect for some AGC members.
- in other jurisdictions, surplus unused funds (e.g. dormant assets) have been harnessed for use by Third Sector organisations, but not here, yet
- the general difficulty in raising funds inevitably diverts resource and therefore diminishes the effectiveness and administrative efficiency of many Third Sector organisations.

It should be noted that Gift Aid and Payroll Giving are not purely about donations. They allow a charity to build a relationship with the donor. This generally leads to increased regular donations. At a corporate level, it can be tied to CSR objectives for volunteering and community support.

High reliance on volunteers, both a plus and a minus, but no incentives to volunteer

The shortage of funding for Third Sector organisations in the Bailiwick dictates that many of them pursue their missions with volunteers. We have no reliable metrics on the contribution of volunteers.

Volunteers are free to the charity, but hard to access. It is difficult to generalise about their performance, but some Third Sector organisations see volunteers as unreliable, compared to paid staff, because they can choose whether, and when, to work. Others say that volunteers are likely to be more diligent and caring; they are volunteering because they care, rather than being paid, to work. Most Third Sector organisations find it difficult to obtain non-Government grant funding to employ staff.

Anecdotal evidence suggests most volunteers are in the 60 to 80 years age group, and we already know that population numbers in the 40 to 60 years age group is considerably less, so there is an obvious problem looming with fewer volunteers over the next 20 years, and more people in need of volunteer support. This problem is real and coming towards us inexorably. We need to think about how to deal with this.

Citizens of some countries see volunteering as a natural part of their contribution to society, and typically the average age of their volunteers is considerably lower than the experience here. Given the high incidence of employment in Guernsey, if this was to be set as an objective for our community, it would require buy-in by the private and public sectors to a much higher degree than we currently experience.

Should Third Sector organisations move towards paid staff? How can they afford this when much of the grant funding available cannot be spent on the cost of core missions?

Should Government provide incentives, either to encourage charitable donations, or to encourage more volunteering?

Or should we accept that the charity sector will not be able to support as much of the community as it has done?

Too many similar Third Sector organisations?

Some people have, in the past, expressed concern that we have too many similar Third Sector organisations, that there is confusion, competition and inefficiency between them. On the other hand, should we be discouraging people who are

passionate enough about a community need to start a charity or community group? We need to look more closely at this to see if it is a real issue.

We know almost nothing about the finances, and contribution of the sector

There are no reliable metrics on the sector. In part this stems from the lack of engagement of Government with the sector. The lack of understanding of the contribution of the charity sector is a significant failing and can only lead to problems achieving the States Plan.

Most Third Sector organisations live hand to mouth, very few have longer term reserves.

Our visibility on this is not great but from the limited data we have seen, and some anecdotal evidence of Third Sector organisations that have struggled, many Third Sector organisations do not consider the medium-to-long term. In part this problem results from general sustainable funding problems, but it is also a governance issue, where Third Sector organisations should set (and monitor) financial performance and reserves according to their activities

Third Sector organisations struggle to keep up with current regulations, developments outside their mission, and to make time to keep up to date generally

Third Sector organisations are naturally focussed on their missions. New regulations (GDPR for example) can be a significant distraction. It is too easy to make mistakes or fall behind developments in good practice.

Is it right for the Sector to rely on funds which are the provenance of gambling?

The sector has relied very heavily on the Christmas Lottery for decades. There are some organisations, mainly faith-based, which will not take such funds under any circumstances, but most recipients do not have such constraints.

There is a proposal that the Social Investment Commission should receive the surplus from all State-run gambling, including scratch cards, after making proper provision for those with gambling addiction. In support of this it has been pointed out to us that the average household spend on scratch cards is around £8 per week, that scratch cards are seen by the UK Gambling Commission as one of the least "damaging" forms of gambling, and that many of the more damaging forms of gambling, in particular online gambling, are generally available to members of our community, without constraint, none of which profits find their way into the hands of our Third Sector organisations.

These funds could be put to enormous benefit in our community by the Third Sector.

9   How does the sector engage with Government, what works and what doesn't work?

Government said in the 2014 Social Compact that it wanted to foster and encourage development of the Third Sector but has been unable to do that in any meaningful or practical way. This is not a criticism of individuals, but a deficiency in policy to support this commitment.

Fewer than 30 Third Sector organisations have specific touch points with Government. It is only recently that a holistic picture of this engagement has been seen, and it is not particularly impressive.

Far too few of these Third Sector organisations have adequate Service Level Agreements or Grant Agreements. Some have none at all.   Most do not cover their costs.   Most agreements are materially deficient, for example, there are no termination/renewal provisions or cost inflators. Very little has been done to fix this in the three years since the problems were identified.

Government has committed to do better, with a Commissioning Academy, but this alone will not succeed unless there is a change in approach over the value that a properly supported Third Sector can bring to our community, proper funding, and the creation of greater capacity in the sector.

There is also an issue of scale, with most Third Sector organisations not being able to want to commission services for Government. Should Government look to commission outside the Bailiwick, or do we think this is a lost opportunity? Or should we foster and encourage the establishment of new Third Sector organisations to help Government?

10   What other thoughts have been expressed, that should inform the Strategy?

The only serious piece of work undertaken to articulate a vision for change in the charity and voluntary sector was published in May 2018 by the Guernsey Community Foundation. The AGC agrees with many of the conclusions from this work.

- Third Sector organisations need help to demonstrate their **Impact**. This will lead to better targeted and effective fundraising and to improved governance and clearer strategic thinking.

- Third Sector organisations need better **Governance**, in particular the tools and the "know-how" to become more transparent and effective

- There is huge scope for **Partnership Working**; collaboration between the Public, Private and Third sector, and the community as a whole.

- Thought needs to be given to **Capacity** within the charity and voluntary sector to maximise their reach. There should be a focus on leadership and a greater emphasis on training, mentoring and peer support. Creation of a physical charity hub and a corporate-level volunteer matching programme are ideas to pursue that could build capacity.

- The sector has a clear role to play with transformation of public services. It is clearly in the interests of the States to work with the voluntary sector to develop better **Commissioning** policies and procedures.

- There is a clear need for a more professional voice to speak on behalf of Third Sector organisations, to provide robust **Leadership**.

11   So, what should our Strategic Objectives be?

a. We need properly underwritten commitment from the States of Guernsey to foster and encourage development of the Third Sector. The Social Compact did not work because there was no policy towards the sector, and no priority given to driving the agenda. Without an underwritten commitment, much of what follows is not likely to work.

b. We need to encourage increased levels of charitable giving.

c. We need to find ways to encourage volunteering both individual and with the private sector.

d. We need to find better and easier ways for Third Sector organisations to access grants to enable them to achieve their missions. We need more grants and more grant-making bodies.

e. Third Sector organisations should be encouraged to take Government work, where they can do it better/more efficiently, and where existing Third Sector organisations cannot help with work that Government wishes to commission we need to build new ones.

f. Government needs to find easier and more transparent ways to commission

g. We need to improve charity governance, which fosters quality, resilience, and greater levels of public trust. As part of this we need to encourage Third Sector organisations to increase financial reserves, again to foster resilience

h. We need greater transparency of charity activities, which also fosters greater levels of trust

i. We need better resources to help Third Sector organisations with training and governance

j. We need to raise our game in the way we communicate with Third Sector organisations within the Bailiwick, and between the Third Sector and Government and the private sector

All of the above will lead to greater capacity in the sector, so no specific objective is needed for capacity growth.

12   How can we do this? What are the priorities?

Priority 1 - Leadership

11a.   Appoint a Third Sector Minister to drive the Agenda from the Government side, and set a policy and a properly resourced (people and money) agenda for change

11j   Raise the professionalism of the Third Sector, both with improved communication between members, and with Government and the private sector. Realistically, this can only be achieved with a dedicated resource.

The obvious candidate for this resource would be the AGC, but it could be another body, and cannot be achieved without a permanent staff.

There is a proposal that the new Social Investment Commission should make a grant to pay for this permanent staff.

11i   With a permanent resource that body would be centrally placed to provide or resource the training needed by member Third Sector organisations, to monitor need, and design training required.

Priority 2 - Governance and transparency

11g   Adoption of new Charity Law proposals leading to an improvement of governance are an important step.

On an ongoing basis, Third Sector organisations should consider not just their current financial position, but set objectives for reserves, compared to activity levels, to gain clear visibility on their financial resilience. These

objectives will differ between charities according to the service they provide to the community so cannot be readily prescribed.

11i   It is proposed that the AGC will have a central role in provision of training and guidance on governance standards

11h   The AGC website provides a backstop means for disclosure of activities by Third Sector organisations, although those that have their own website already have this means.

While Third Sector organisations have no obligation to publish their financial statements it is good practice that they do so. Any charity wishing to apply for funding from the Social Investment Commission should be required to publish their most recent financial statements on the AGC website or authorise the Social Investment Commission to do this for them, as part of the grant application process.

Priority 3 - Charitable Giving

11d   The proposals for creation of the Social Investment Commission and the related sources of funding, will provide much of the solution for the strategic objectives of sourcing more grants, and will add one new significant grant-making body.

It is important not to dilute the effect of this by appointing people to the Social Investment Commission who are actively involved with any of the other significant grant-makers.

11b   Government should implement the Charitable Giving proposals proposed in the 2017 Charitable Giving Review, which include widening the thresholds for the current Gift Aid regime, and introducing Payroll Giving.

It is important that consistency of governance is applied to the above proposals, so the Social Investment Commission should be centrally involved in their administration, with non-discretionary rules that make awards to charities based on a (to be agreed) objective basis, such as quantum of donations.

This consistency of governance should apply equally to the existing Gift Aid regime until the wider scheme is adopted, and again should be administered by the Social Investment Commission.

Support would only be given to Third Sector organisations with missions that support Future Guernsey themes.

Priority 4 - Volunteering

11c   More data is required on the extent of volunteering in the community, which could be gathered as part of the Charitable Giving initiative. When this data is available, we can bring forward a strategy for encouraging more volunteering, which could include:

- tax credits for volunteers who provide significant amounts of their time
- encouraging private sector business to make volunteer time available, possibly with tax, or other, incentives
- the creation of volunteering hubs in partnership with the public and private sector, where Third Sector organisations could source administrative help (e.g. accounting, training, secretarial, web development and social media)

The above are simply ideas, rather than proposals - wider discussion is needed, however studies suggest the prize is potentially significant.

Financial incentives should only be available for volunteering with Third Sector organisations whose missions support Future Guernsey themes. The Social Investment Commission would administer such incentives so that governance was applied consistently.

Priority 5 - Commissioning services from Government

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These objectives can only be achieved in the medium-to-long term; there are no quick fixes.

The capacity of the sector is currently too small to take on very much from Government, and Government is a long way away from commissioning in any transparent or effective fashion.

In the meantime, it is vital that the shortcomings with existing relationships are properly resolved to the satisfaction of both sides, as a blueprint for successful future commissioning.

It is also a medium-to-long-term objective for the Social Investment Commission to facilitate the establishment of new Third Sector organisations specifically where they can deliver services more efficiently or effectively.