

# The history of UK civil society

**Olga Savage with Brian Pratt, January 2013**

Contents:

## I. Introduction

## II. Historic milestones

1. From the Middle Ages into the 19th century: civil society sector formalisation

2. Civil society and the Welfare State

2.1. The 19th century: prelude to the Welfare State

2.2. The 20th century: creation of the Welfare State

2.3. Impact of the Welfare State on the civil society sector

3. Into the 21st century: from Compacts to Big Society

3.1. Compacts: partnership with government

3.2. Big Society: new policy environment

3.2.1. Big Society in brief

3.2.2. Responses from civil society

## III. Civil society sector today

1. Defining the civil society sector

2. Scope and structure of civil society

2.1. Civil society as associational life

2.1.1. Dominance of large charities

2.1.3. Unincorporated associations: below the radar

2.1.2. Service delivery versus advocacy

2.1.5. Hybridity as a permanent feature

2.2. Non-institutional civil society

2.2.1. Modern day protests: challenging elite and the public

2.2.2. Uncivil society groups

3. Participation: a long-standing tradition

## Preface: Brian Pratt

This paper is a part of the Civil Society at a Crossroads initiative, a project supported by partners in several countries to explore issues confronting civil society globally.<sup>1</sup> The initiative recognises that the challenges to civil society are as diverse as the contexts in which it is embedded. This paper was requested by members of the group aware of the long recorded history of civil society in the UK. They were interested in the background to many of the assumptions, approaches and legal history which have influenced civil society across the world. Whilst not arguing that the UK has a longer history of civil society than other countries, it is clear that its evolution has been recorded as such for at least 1,000 years. It also has one of the oldest legal frameworks for civil society, possibly dating to the Magna Carta, and definitely since the early charity laws in the 1600s.

The challenge was how to capture this long and rich history succinctly. Thus we asked Olga Savage, who is Russian by birth, to reflect on aspects of British civil society history that might be relevant to a non-British reader. We make no apologies for trying to squeeze several hundred years into a few pages and making some generalisations which may affront those who have devoted their lifetime to studying just small elements of the panorama Olga has summarised. Similarly we have supplied references for further reading for those interested in the topic, but have not provided an exhaustive bibliography.<sup>2</sup>

## I. Introduction

In the UK there is a rich and centuries-long tradition of charity, mutual help, volunteering and advocacy that can be traced back well into the Middle Ages (campaign for civil liberties and Magna Carta). The 18th century witnessed the gaining momentum of social movements (anti-slavery campaign), followed in the 19th century by a significant increase in private philanthropy driven by the wealthy and educated. The 20th century was marked by shifting relationships between the state and the civil society sector, with the state increasingly taking on the role of regulator of charitable activities and the emergence of the socialist welfare state model of state provision. The late 1990s saw the rise of Compacts and a move from statutory unconditional grants to semi-privatisation of welfare through partnership and contracts between the state and voluntary sector organisations. Since the last government election in May 2010, there has been a further realignment of roles and responsibilities with a greater emphasis on self-help and community action. Although the new coalition government has actively communicated its commitment to civil society values through new policy frameworks (Big Society), to date there have been limited tangible results. Against a background of decreasing private donations, a reduction in statutory funding together with increased competition for public service delivery have created a decision point for many civil society organisations. With falling numbers of charities being registered, and the worst hit organisations either closing or merging, it is not clear what role civil society will be able to play in the Big Society.

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<sup>1</sup> For more information on this initiative, see [www.intrac.org/pages/en/civil-society-at-a-crossroads.html](http://www.intrac.org/pages/en/civil-society-at-a-crossroads.html)

<sup>2</sup> Many thanks to John Hailey, (Cass Business School and INTRAC), Andri Solteri and her colleagues at Third Sector Research Centre, University of Birmingham and Dave Brown, Hauser Centre, Harvard, for their valuable comments and ideas.

## II. Historic milestones<sup>3</sup>

The civil society sector in the UK has grown out of a long process of formalisation of voluntary and community activities, and over time it has occupied a number of different positions in relation to the UK state. It can be characterised by a number of identifiable characteristics – traditions of mutual aid and collective action, a strong sense of charitable giving, volunteering and philanthropy, and a clear role for voluntary sector organisations (VSOs) in driving social change.

### 1. From the Middle Ages into the 19th century: civil society sector formalisation

The recorded history of civil society in the UK stretches back hundreds of years through the Middle Ages, with Magna Carta (1215) being the first formal document to proclaim certain liberties that provided a balance of power between the King and his subjects; the even earlier Charter of Liberties (1100) was a forerunner of Magna Carta. Some argue that the Magna Carta, by drawing up obligations and responsibilities of both rulers and the ruled, established the concept of the rule of law and underpinned the idea that the state rules over its citizens with the approval of the citizen; that a form of social contract existed between the two.

In the 12 and 13th centuries, the Church was responsible for the creation of more than 500 hospitals for the care of the elderly and frail. As a result, the 13th century came to be known as the “Golden Age of small associations of piety”. Between the 15th and 17th centuries there was a rapid expansion in charitable donations. The focus also moved from just religious structures to include secular organisations, driven by the emerging merchant classes and targeted at the poor through education and poverty reduction initiatives.

This increase of philanthropic action can be seen in the expansion of charitable trusts in the 16th century. The period also saw an increasing trend to address social problems and organise charitable finance through institutions such as alms houses. The 16th century also witnessed the first recorded activities by the State to regulate the work of charitable institutions, setting basic definitions, and creating laws and statutes on fraudulent giving.

The 17th century saw the beginning of the formal structures that we can still recognise today. In 1601, towards the end of the Elizabethan reign, the Statute of Charitable Uses was adopted. This statute still acts as the legal foundation for the way that the sector defines ‘charitable purposes’, and is the basis for current charity law not only in the UK but also in many ex-colonies. The Poor Law enacted in the same year was in response to the issue of landless people, and placed a legal requirement to help the poor onto the parishes, which at the time formed the basis for local administration. Often the parish would need to call on local landowners for financial support to allow them to meet these obligations. The period also saw the emergence of the concept of ‘associated philanthropy’, whereby several wealthy benefactors would pool their resources to fund a single charitable activity, rather than operate through a trust or endowment.

The 18th century was dominated by the emergence of a strong Puritan streak in charitable activity – known as the “Philanthropy of Piety”. The focus moved from poverty alleviation

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<sup>3</sup> This section draws on Salamon and Anheier 1997; Smith 1995

through education and work programmes towards broader social issues such as maternal and child welfare. Moral instruction also became a defining theme, reflecting the State's concern over the potential for social and political upheaval. Some have suggested that it was at this time that the state began to view the voluntary sector as an instrument of social control, a process that would continue in the 19th century through, for example, the Temperance movement. By the end of the 18th century, the formation of friendly societies was recognised in Sir George Rose's Act (1793). These societies provided a form of insurance pool and contingency fund to meet costs associated with illness, burial and old age. (Salamon and Anheier 1997) At the same time, non-philanthropic movements also began to emerge, including debating and political societies engaged in discussions of a range of social and scientific topics. Many other activities such as the Watch and Ward societies, and voluntary vigilante police patrols may also still be found today. This period also saw the beginnings of international advocacy and lobbying campaigns. For example, from 1727 onwards the Quakers began to campaign for reform of the slave trade, and in 1787 set up the society for Effecting the Abolition of the Slavery Trade. Therefore, the current Anti-Slavery Society (founded in 1823 on the basis of the earlier movement against slavery) is claimed by many to be the world's oldest campaigning NGO and almost certainly the oldest human rights organisation.

During the 18th and 19th centuries the industrial revolution led to a rapid growth in population and migration from rural areas to cities, which began to place even greater strain on the State and charitable sector. The State proved unwilling or incapable of intervening, leaving a vacuum in terms of social provision for the poor which was filled by both national and local formal voluntary organisations. Throughout the 19th century, the sector continued to make provision for those that the State considered beyond its remit. The 1834 Poor Law reforms highlighted the role of the voluntary sector in dealing with the deserving poor, as opposed to the undeserving poor, rather than the state taking on this obligation.

The 19th century saw the rise of voluntary associations as currently defined and a significant increase of the voluntary sector profile as "a bulwark against poverty in areas as yet deemed inappropriate for state support, combining provision of resources with its quintessential advocacy role" (Salamon and Anheier 1997, 251). Voluntary agencies were often created by the middle classes, and sought both to provide services and to campaign for reform. Several of these organisations emerged in time as professional not-for profit organisations and have survived and prospered to this day. One example is Banardo's (1866), which pioneered social provision for orphans and children. Mutual aid organisations (savings, credit unions, funeral societies) were often set up by the working classes and became increasingly popular, being identified by the Royal Commission of 1871-74 as an emerging trend toward "the working spirit of self-help". This was reflected in other working class organisations emerging at that time such as trade unions, cooperatives, building societies and housing associations. The sector also offered employment opportunities for approximately 500,000 women who worked 'continuously' and 'semi-professionally' within voluntary associations, giving them a chance to break free from the patriarchal constraints of the Victorian society. This employment pattern can still be identified globally.

The 19th century saw the development of many of the advocacy approaches that are common to the sector today. These include public campaigns and mass meetings, such as those pioneered by the slavery abolition, Anti-Corn Law League and Chartism movement, which in turn provided inspiration to the suffrage movements of the 20th century. The scope of campaigning topics expanded, to include areas such as political and social reforms,

factory conditions, improved prisons, religious observance, and sanitary improvements. Fundraising approaches, such as charity shops and payroll giving, developed by Dr Banardo's were also innovative. A prominent activist and philanthropist of the period was Elizabeth Hayrick, who devoted herself to social reform and campaigned on matters including bull-baiting, prison conditions, and Corn Laws. Her main concern was the anti-slavery campaign, which began with a sugar boycott organised by Elizabeth and led to the establishment of the Birmingham Ladies Society for the Relief of Negro Slaves, which called for the immediate emancipation of the slaves in the British colonies. Such pioneering work could still be seen at the end of the 19th century by people such as Eglantyne Jebb, who some argue wrote the first ever charter of human rights, focussed on children, and later helped found the Save the Children family of agencies.

## 2. Civil society and the Welfare State

### 2.1. The 19th century: prelude to the Welfare State

The State had been engaged to a greater or less extent in poverty alleviation since the 16th century. It was at this time that the concept of the deserving and undeserving poor had emerged; simultaneously the debate on the respective roles of the state and charities began. The State had begun to provide financial support for voluntary activities by the early 19th century, and by the middle of the century, the government and voluntary sector were structurally inter-dependent. For example, the Poor Law Board developed a certification process for schools, refuges and reform houses, providing for both government inspection and grants. By the end of the 19th century, it is estimated that more than 200 charitable organisations were in receipt of some form of state grant or assistance (Smith 1995).

However, the scale of the voluntary sector also brought discussion on the level of regulation required for the sector and its charitable institutions. The Brougham Commission shone light on the size of the sector, and increased pressure for regulation and reform. The 1850 Royal Commission was set up to review charitable malpractice, and resulted in the 1853 Charitable Trusts Act, which in turn saw the establishment of the Charity Commission in 1860. The State was increasingly concerned with addressing the potential failings in the voluntary sector. There was also a process of professionalisation, through the establishment of the Charity Organisation Society in 1869. This body began to develop standards and best practices and support their introduction across its member organisations. It was concerned with the potential for overlap between the state and voluntary sector, resulting in wasted resources and pauperisation. The Charity Organisation Society began to advocate on the principle of discrete and separate spheres of influence.

### 2.2. The 20th century: creation of the Welfare State

Between 1905-14, the expansion of the role of the state in the delivery of social welfare was driven by Liberal governments. This was accompanied by a reduction in the responsibilities of the charitable sector. National Health and unemployment insurance were introduced under the 1911 Act. Parliament set levels for contribution and benefit levels, but schemes were managed by friendly societies and mutual organisations

The concept of an 'extension ladder', whereby the State provides a minimum threshold of welfare, to be topped up by the voluntary sector, was established by the Minority Report

(1909), under the Royal Commission on the Poor Laws and the Relief of Distress. This model provided the basis for much of the post-1945 welfare reform, and subsequent relationship between voluntary and State provision.

Over this period, the partnership between the state and the voluntary sector began to flourish. In 1904 the Guilds of Help (a body similar to the Charity Organisation Society), was set up and immediately began to promote relationships with government bodies. The National Council of Social Service (now known as the National Council for Voluntary Organizations) was established (1919) to coordinate voluntary activity with councils of social service and rural development councils, and to facilitate better coordination with government.

This led to a shift in funding balance, and by 1934, more than 37% of the income received by registered charities was from the state, in the form of payment for services. Many charities and voluntary groups however, remained outside the sphere of state support and some argued that there was a danger of losing independence through reliance on state funding. Nonetheless, the sector flourished during the interwar period. Organisations became more focused on filling gaps in provision by the state, rather than providing an alternative means of delivery for the same needs. A number of organisations benefited directly from the wars, including the Red Cross, Women's Institute and Order of St. John. A number of new privately funded bodies were also created such as the Carnegie Trust and the Wellcome Foundation. The trend was for an increase in the size and professionalisation of voluntary organisations, as they moved away from their religious or moral origins.

### **2.3. Impact of the Welfare State on the civil society sector**

The establishment of universal social insurance and welfare, emerging from The Beveridge Report (1942) had a dramatic impact upon the voluntary sector. A number of laws relating to family allowance, national health, employment, education and national insurance were passed in 1944-48. These placed the State at the centre of provision, and sidelined many of the institutions that had pioneered the concept of welfare. Those institutions dealing with poverty relief and hospital provision were effectively displaced, whilst many educational institutions were forced to either come under the state or become fully "private". The creation of universal welfare moved the sector firmly towards the role of the 'extension ladder' and away from that of 'parallel bars'. This approach prevailed until well into the 1970s.

In some ways the greater role of the State led the voluntary sector to amend its approach and to turn its energies to advocating social change. Other voluntary agencies such as the National Society for the Prevention of Cruelty to Children, Royal National Institutes for Deaf People and the Blind, and National Association for Mental Health, stepped in to provide targeted support for minority groups who had greater needs than the universal system could provide for. During 1940-60 a large number of voluntary organisations appeared, including many of the current international aid and development agencies, as well as a number of sporting charities. There is some debate as to whether this growth of organisations was the result of the success of the push towards state provision, by allowing greater focus on specific needs and causes rather than attempting large-scale provision of basic services.

By 1970s, the limitations of universal state provision were being debated. Government bodies were regarded by many as increasingly inefficient in their ability to deliver. Self-help and mutual aid re-emerged as concepts in community development, particularly in response to issues such as urban decay and racial tension. As a result, public expectation led to

increased funding for community organisations and consumer groups. Organisations such as SHELTER, Child Poverty Action Group, and Disablement Income Group, continued the movement towards supporting marginalised groups and advocated extensions of rights for those most in need. This move coincided with the 1979 Conservative government, which was committed to reducing the role of the state, particularly in relation to social provision.

The privatisation agenda pursued by the Conservative administration provided opportunities for the voluntary sector, but also created a level of antipathy by the government to welfare; reflected in the cuts in funding for welfare, and the shift from grants to delivery contracts. Concerns started to emerge that the ability of advocacy organisations had been compromised by their need to competitively tender for government finance.

### 3. Into the 21st century: from Compacts to Big Society

Jeremy Kendall (2003) – an acclaimed researcher of the third sector in the UK – has argued that the last two decades have witnessed three major phases in the relationships between the sector, the state and the market:

- During the late 1970s and 1980s, there was a major shift from a general ‘charity sector’ with unclear boundaries to the incremental legitimation and consolidation of the ‘voluntary sector’. Following the Wolfenden Committee’s report on The Future of Voluntary Organisations in 1978, the state came to realise the potential of the ‘sector’ in delivering public services, leading to a gradual move from ‘welfare statism’ to a more ‘mixed economy of welfare’.
- In the 1990s Labour’s commitment to partnership (Compact agreements) and welfare pluralism resulted in the promotion of voluntary and community sector alongside state and private provision, and the acknowledgement of positive impact of strong and cohesive communities.
- The first decade of the 21st century saw the ‘hyperactive mainstreaming’ of the sector under the Labour government and the creation of a broader third sector to include fast-growing social enterprises – a new form of economic and social activity encouraged by government. In 2006, two separate government units – the Social Enterprise Unit and the Active Communities Unit – merged into the new Office of the Third Sector. This phase was marked by new significant levels of government support, e.g. by 2008 around 36% of total income for VSOs in England and Wales was from statutory sources

Since May 2010, the policy environment for civil society has been dominated by the arrival of the “Big Society” agenda aimed at supporting civil society action and enhancing social inclusion, which can arguably be labelled as the next phase in the relationship between the state and civil society. Whether this is a reversion of responsibilities to civil society or another attempt by the state to coral community effort for their own purposes is hotly debated.

### 3.1. Compacts: partnership with government <sup>4</sup>

From the early 1990s, the government sought to strengthen its relationships with the voluntary sector through the use of general framework agreements – known as Compacts. The UK (along with Canada) was a pioneer in this sector. The idea of the Compact had emerged from the concordat concept developed by the Deakin Commission on the future of the voluntary sector, which had been set up by the National Council for Voluntary Organisations in 1996. The Labour Party adopted the concept, substituting ‘compact’ for ‘concordat’ in their 1997 ‘Building a Future Together’ report.

The Compact approach was central to the Blair administration’s vision and political philosophy, and had the result of placing the voluntary sector in a much more central position to support the design of policy. The compact was much more than simply a service delivery agreement, and suggested a mutual obligation between the State and the sector to develop and implement welfare provision. This process recognised that the State increasingly played a coordination and finance role, and that other bodies might take up the challenge of service design and delivery. The increase in professionalism, and the corporate ethos adopted by larger NGOs made them potential partners for this approach.

The first compact was concluded in 1998, and divided the sector into non-profit organisations that worked in close cooperation with the government (compact sub-sector), and those that were more distant (non-compact). The Compact had no legal status, but recognised the role of the voluntary sector as service providers and policy actors. It provided a commitment to multi-year funding for organisational costs. Compacts heralded a new era for VSOs and a fundamental shift from unconditional statutory grants to contract-based funding.

There have been a number of evaluations of the Compact approach. The 2005 Home Office evaluation identified its role in helping to strengthen the voluntary sector and create better links between sectors. The codes and standards however were identified as being difficult to understand and apply, leaving many government departments and voluntary organisations uncertain as to whether they were compliant with the terms. As a result, a Commissioner for the Compact was appointed. Gordon Brown commissioned a report outlining future perspectives for the voluntary sector and encouraging its role in advocacy, despite the potential conflict of interest between campaigning and service delivery.<sup>5</sup>

The Labour administration continued its support, through the appointment of the Third Sector Office and associated Minister. The Commission for the Compact was a quasi-governmental organisation that provided support and redress where the compact was deemed to have been breached. Compact Voice provided a VSO advocacy platform to support their negotiations with government. There were continuing discussions about the need to provide the Compact with a clear legislative status. Nonetheless, compacts were recognised as having been relatively effective in regulating the relationship between VSOs and government, and improving how the voluntary sector provides policy and service delivery.

The move towards contracting for services resulted in concerns about whether the compact compromised advocacy and campaigning agendas. By 2008, charities in England and Wales were receiving approximately 36% of total income from government sources, and pursuing

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<sup>4</sup> See Casey 2010

<sup>5</sup> See, for example, the work by C. Rochester and M. Zimmeck, Roehampton University and VAHS, including ARVAC (Association for Research in the Voluntary and Community Sector) Bulletin, issue 115: July 2011,

government funds became an increasingly central pillar of strategy development and funding strategies.<sup>6</sup>

## **3.2. Big Society: new policy environment<sup>7</sup>**

The election of the new coalition government in 2010 led to a change of direction in third sector policy, called “Building Big Society”.

### **3.2.1. Big Society in brief**

The Big Society builds upon the work of the previous administration, and reflects a political consensus in the UK about the need to strengthen community activism. The Conservative Party published a Green Paper in 2008 looking at the options for establishing a new Office for Civil Society. The Liberal Democrats also have a long-held political philosophy promoting devolution of powers and community based social action.

The initiative was framed as a fix for ‘Broken Britain’, with the implication that under the Labour administration, too much power had become concentrated in the hands of the state. And although the Big Society was not received with enthusiasm during the election campaign and has been the subject of escalating criticism, it continues to be David Cameron’s ‘great passion’, central to reconstructing the relationship between the state and civil society sector. An open letter from Minister for Civil Society, Nick Hurd, to the civil society sector published on 11 October 2011, further reinforced the government’s vision and commitment to the key features of the Big Society model:

- A shift towards the promotion of organised collective action, as opposed to the big state approach and top-down bureaucracy of the Labour Party. The government emphasises the importance of smaller, community-level organisations and their role in encouraging social action and responding to social needs. Government also champions innovative ideas from community-level groups rather than large well-established charities.
- A transfer of power from central government back into the hands of communities, councils and individuals. The Localism Bill, that provides new rights and powers for citizens and communities, became an Act on 15 November 2011.
- A greater focus on voluntary organisations and boosting levels of volunteering and charitable giving to enable the expansion of the voluntary sector. The main areas identified by the government in terms of structural change were: 1) making it easier to run a voluntary sector organisation by simplifying the process of charity registration and reporting; 2) directing more resources into the sector e.g. the establishment of Big Society banks, the Transition Fund, the Innovation in Giving Fund; 3) improving the relationship between VSOs and the state. Government has recently initiated a consultation process with the sector on how to strengthen civil society in the UK.
- A move towards citizen-centred services and a greater diversity of providers of public services. The government stresses the role of VSOs in the provision of public

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<sup>6</sup> This was a widely quoted average figure, but hides the much greater dependence of certain VSOs on government funding. NCVO calculated that 70% of the income of employment and training organisations came from statutory sources. NCVO 2010.

<sup>7</sup> This section draws upon Alcock 2010; Mohan 2011; Taylor 2011

services and intends to improve and strengthen the contractual basis for long-term funding. The Compact, renewed in 2010, is still seen as a central document between the two sectors and is now aligned to the Big Society policy initiatives.

### **3.2.2. Responses from civil society<sup>8</sup>**

Criticisms and concerns have arisen in relation to the overall Big Society policy and the specific measures undertaken by government so far. Among other things, these include concerns around the proposed reduction of overall resources for welfare, and the introduction of market forces and competition in the delivery of services, with the potential for failure of VSOs in a competitive market. There is also a view that the Big Society concept is built on idealistic perception of the potential of voluntary action, based on the case of wealthy counties of South-East England with well-established networks of VSOs and a high proportion of affluent and well-educated citizens. Big Society appears to have less relevance for deprived inner-city communities or areas shattered by structural unemployment.

VSOs have expressed mixed opinions about the Big Society as a new policy environment. The initial response from the National Council for Voluntary Organisations and the National Association for Voluntary and Community Action was relatively positive. Sir Stuart Etherington, Chief Executive of NCVO, stated “the sector’s vision for itself and for the good society overlaps with the government’s Big Society agenda e.g. the value of voluntary action and the need to rebalance the relationship between the state, market and civil society” (NCVO 2010c, 1). This opinion was reinforced by the National Association for Voluntary and Community Action which reported that the majority of voluntary and community organisations considered the Big Society to be a real opportunity for citizens to shape their own future and revitalise local communities.

However, since then it has become clear that parts of the sector have been affected differently by the new policy environment. Some parts have enjoyed more luck, for example social enterprises, the community sector and organisations closely connected with the new government (e.g. the Big Society Network) have become the focus of the new policy agenda. However, infrastructure and support organisations are highly apprehensive about their futures, particularly in the light of the recently announced Transforming Local Infrastructure programme. Large service providers dependent on statutory funding have concerns about their future and have been hit hard by spending cuts; children’s charities, which account for a quarter of all charitable organisations, are most vulnerable as over half of them rely on statutory funding. In the current climate of financial austerity and reduced public donations, many VSOs are being forced to become more reliant on grants from private foundations and local authorities. In an attempt to diversify income streams, many charities are now turning to social investments; the Big Lottery Fund has launched a £6 million fund to support social investment proposals, and the government announced a £40 million social impact bond to support families with complex problems (New Philanthropy Capital 2011). However, interest rates of 6-19% that charities have to repay seem to be unreasonably high and place additional financial burdens on the already exhausted sector.

Arguably, at present the Big Society is at a crucial junction as a crisis of confidence in the government’s ability to implement relevant policies and practices is developing. The *Guardian* reported on 5 June 2011 that “David Cameron’s pledge to bring more charities into the public sector risks collapsing before it has begun”, as the total number of registered

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<sup>8</sup> See: NCVO 2010a and 2010b; NAVCA 2010

charities fell by over 1,600 and the number of mergers increased by 150% during the first year of the coalition government. The attractiveness of the Big Society among voluntary and community organisations has decreased considerably, demonstrated by NCVO's recent recommendations to the coalition government on how to bring the Big Society back from the brink and help the sector to survive the financial storm. According to NCVO, the sector is still committed to the Big Society idea but government must swiftly make a number of enduring choices (e.g. doubling the Transition Fund aimed to provide short-term help to middle-sized VSOs) to avoid turning the sector into an easy target for spending cuts and other damaging measures. A more straightforward and critical assessment has been given by Labour MP Tessa Jowell (May 2011) who argues that although the Big Society concept chimes with Labour's principles of localism, mutualism and collectivism, the coalition government is failing to pursue the Big Society, as it has no proper plan to implement a policy which is little understood across government. Government has not fulfilled its promise of handing power to the people and giving community groups a 'seat at the table', and what is more, the sector has already suffered heavily as a result of spending cuts and a general fall in philanthropic giving.<sup>9</sup> It can be argued that a coalition government view of the Big Society took the Labour support for the sector, and is trying to move the sector from one funded by government towards a greater proportion of funding being locally generated – a move back from contracts to local investment in local services.<sup>10</sup>

### III. Civil society sector today

#### 1. Defining the civil society sector

To a large extent, the definition of the sector has been a product of historical change, the legacies of political, economic and cultural progress, as well as the shifting values and activities of the sector itself. Although the concept of civil society was rediscovered over three decades ago as part of the geopolitical and international development context, in the UK the reclaiming of 'civil society' in earnest began only five to six years ago. For instance, the National Council of Voluntary Organisations included broader definitions of the civil society sector in its UK Voluntary Sector Almanac 2006 – an annual review of the sector – and later renamed it the UK Civil Society Almanac, covering statistical analysis of other civil society associations in addition to more traditional charities. More recently civil society received renewed interest from UK politicians, as demonstrated by the rhetoric of the current government and rebranding of a government department from the Office of the Third Sector to the Office for Civil Society. This is the latest rebranding of the sector: from voluntary sector to voluntary and community sector in the late 1990s, and then to third sector in 2006. The renaming of the sector is perceived by many VSOs as a mere restatement of voluntary and community action that has been taking place for decades.

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<sup>9</sup> In 2012 the government tried to place an upper limit on tax free donations made by high worth individuals, which was taken as another move against the sector. A campaign against this move led to a climb down by government.

<sup>10</sup> It is easy to see that it is easier for a small community of middle-class, retired people to take over and run a local library/community centre with voluntary labour and fundraising, than it is in a run-down inner city area with high unemployment, lower education levels and a lack of easily accessible local disposable income.

## 2. Scope and structure of civil society

Given the definitional muddle, huge diversity and shifting contours of civil society in the UK, determining its scope and structure is difficult, despite the existence of increasingly reliable statistics. Changing national and geopolitical contexts and a number of tectonic events like the economic crises, climate change and the 'war on terror', continue to affect the shape and function of the UK civil society. One main challenge is to assess civil society activity that happens 'below the radar', e.g. unincorporated associations (unregistered legal entities) and other non-institutional forms of civic participation. So-called hybrid organisations whose features and activities overlap with businesses and state institutions present another challenge while defining the fragmented sector.

### 2.1. Civil society as associational life

In its annual UK Civil Society Almanac, NCVO attempts to scope the size and economic contribution of civil society as 'associational life' (Edwards 2005) which includes all associations that are not part of the state or the market, e.g. general charities, the community sector, social enterprises, faith groups, trade unions, housing associations, independent schools and universities. Increasingly reliable statistics demonstrate the apparent health of activity and strength of civil society associations. According to the 2010 Almanac, there are nearly 960,000 civil society associations and the general income of the sector is around £160 billion, with only 23% of the total income belonging to general charities. There are 1.6 million paid staff in civil society, of which just under 670,000 people work in general charities. The number of people who volunteer once a year is 20.4 million (formally) and 30.9 million (informally). Associations range from large national charities to very small local and often unregistered groups, such as informal voluntary action and self-help groups.

#### 2.1.1. Dominance of large charities<sup>11</sup>

In 2008, three largest charities in the UK were the Wellcome Trust (annual expenditure £597 million), Cancer Research UK (£476 million) and the National Trust (£351 million). The Wellcome Trusts outspends the government in many respects and the National Trust membership is bigger than all the main political parties (at 3,560,000 members).

It is argued that the growing dominance of big charities, characterised by increasingly homogeneous structures and activities, marginalises smaller, as well as innovative and nonconformist, associations. Two main reasons have been put forward for such proliferation of big charities within the sector:

- From the mid-1990s there was a move from unconditional statutory grants to contract-based funding, particularly in the field of social services. The introduction of Compacts in 1997 and the fragmented third sector policy space under the Labour government made larger charities the dominant beneficiaries of state policy and support. Taking into account the formality of contracts, well-established and bureaucratically organised charities with additional sources of income were in a much better position to secure funding. Smaller and community based groups, whose main focus may have been advocacy instead of service provision, often had neither the intention nor capacity to enter into contracts. The Community Sector Coalition and the National Association for Voluntary and Community Action have been critical of this

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<sup>11</sup> See Alcock 2010; NCVO 2006

'bifurcation' within the sector, where 'outsiders' and smaller-sized and community groups have been mostly excluded from discourse, as well as financial support. The process of commissioning public services to the voluntary sector affected inter-agency relations, adding competition for already limited resources and presenting a challenge to the sector's overall integrity and value-driven models of working.

- Another factor influencing the split within the sector has been the ability of large VSOs to invest in raising funds from private sources (individual and corporate donors). Larger charities have more potential to invest in costs associated with fundraising, including hiring marketing specialists and consultants, and devote resources to costly fundraising strategies such as extensive media exposure and direct mailing campaigns. At the same time, the cost of fundraising has grown in the last decade; whereas in the past the average ratio of fundraising to generated income was 1:15, now it is between 1:6 and 1:2. In some extreme cases fundraising attempts result in a loss, e.g. maintaining a charity shop to crowd out other charities. If loss making fundraising becomes a norm, how ethically acceptable this is?

### **2.1.2. Unincorporated associations: below the radar<sup>12</sup>**

'Below the radar' (BTR) is a term used for small voluntary, faith, and community associations that take a recognisable legal form but are not registered with the UK Charity Commission or other regulatory bodies for a number of reasons, such as an annual income of less than £5,000, or having an overseas headquarters. NCVO's 2010 Almanac states that there are approximately 870,000 of these groups, although according to others the number is in the region of a million. Even with the most conservative figure in mind, it is clear that these small and/or informal groups constitute the bulk of civil society activity below the tip of the iceberg of registered charities and social enterprises. As BTR groups do not appear on the regulatory authorities' lists, they remain invisible and therefore are the least studied, understood and accounted for. Although both Labour and the new coalition government have highlighted the importance of community groups and action, there has been little evidence regarding the overall impact of BTR groups on societal life.

The range of BTR groups' activities is very broad and cuts across all civil society areas, from ethnic minority organisations engaged in community development and combating extremism, through to grassroots groups supporting economically disadvantaged neighbourhoods, to community groups involved in modernising local governance, community safety and health planning. Many groups are formed to fill gaps in state provision through mutual aid or support, with some of these groups offering unique services not available elsewhere, e.g. advice to new migrants on health services provided in their native language. Often the activities of BTR associations are developed in response to the needs of particularly vulnerable individuals, e.g. social isolation amongst the elderly. There are groups which aim to provide social networks and reduce isolation by bringing people from different backgrounds together. Or the emphasis can be on a particular issue which is time-limited or very local in nature, e.g. a pressure group to oppose a government plan to build a probation centre for young offenders in the middle of a residential area with a large number of young children; or a local allotment movement campaigning to conserve a specific site and promote the benefits of gardening. Other examples of BTR groups' activities include faith, cultural identity, arts, leisure and sports (e.g. football club supporters).

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<sup>12</sup> McCabe and Phillimore 2009

The discourse on BTR groups has moved to a new level with the introduction of the Big Society policy, which highlights a shift towards organised social action at the level of communities and individual citizens and aims to give BTR groups a significantly larger role in delivering government policies. Yet, as argued by the Third Sector Research Centre (McCabe 2010), the BTR phenomena and the motivators for community action have always been ill understood in policy circles and therefore they cannot expect these groups to be integral to the Big Society. As these groups have been largely excluded from research on the sector, it is not clear where they sit with the Big Society concept and whether they have the inspiration and capacity to engage and participate in the delivery of government policy objectives. INTRAC has argued that it is precisely this level of community organisation which provides the basic building blocks for democracy, through providing the experience in basic democratic organisation, local accountability, building social trust and creating the confidence that the individual citizen and their organisations have a value in society.<sup>13</sup>

### **2.1.3. Service delivery versus advocacy<sup>14</sup>**

Since 1997, the New Labour governments promoted voluntary and community sector organisations as a major instrument in the delivery of improved public services funded by the state. Over the last decade, government spending on charities taking on contracts to deliver public services, has grown manifold – a total increase of 128% from 2001 to 2008 (NCVO 2010). In 2008, around 36% of total income for VSOs (£12.8 billion) was from government sources. According to the latest NCVO statistics, the voluntary and community sector has a considerable input into public services in the UK, with roughly 40,000 VSOs involved in a broad range of public services. The UK Charity Commission reports that over 60% of large charities (income above £500,000) are involved in public service delivery.

As well as enhancing the profile of VSOs in welfare, the New Labour government also emphasised their role as a key player in social and democratic renewal and as a ‘voice’ for communities they serve and represent, either through lobbying and campaigning or formal representation in policymaking processes. In spite of increased government interest in voluntary sector advocacy, this dual function has caused a real tension for many organisations. Some organisations see advocacy as less important than their primary function – services provision – whilst other organisations receiving statutory funding are reluctant to make government the target of their campaigning efforts. Another cause for concern is that funding is not explicitly available for advocacy and campaigning work, but mostly for tangible service provision. A significant factor fuelling the tension is the asymmetry of decision-making power, as policy processes tend to be highly centralised, therefore many smaller VSOs and community-level associations feel unable to affect the outcomes.

A fervent response from the Association of Chief Executives of Voluntary Organisations (ACEVO) to this dilemma is that the sacrifice of certain objectives does not necessarily mean a loss of independence, but is rather evidence of pragmatism and achievement of further gains for beneficiaries. NCVO believes that charities can and do successfully combine service delivery with campaigning, as long as they clearly adhere to several fundamental principles, such as good governance and management, and clear contracts.<sup>15</sup>

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<sup>13</sup> Beauclerk, Pratt and Judge 2011

<sup>14</sup> See Cairns 2010

<sup>15</sup> A quick review of discussion on the Voluntary Sector Studies Network shows that many do not agree and are fearful of the sector losing its independence due to state funding.

Recent major policy changes such as the Big Society emphasise greater pluralism in public services by devolving power to local commissioners, encouraging public sector staff to set up their own social enterprises and wider involvement of the private sector. These changes, coupled with £3 billion funding cuts proposed by government for 2011-15, have hit hard VSOs engaged in social service provision – more than half are considering staff reductions and over a third plan to downsize their services. Despite its commitment to community empowerment and social action, the coalition government has not demonstrated particular liking for advocacy and campaigning, therefore support for advocacy is likely to decrease further. This should not unduly affect advocacy groups as most of them have been ‘outsiders’ with good survival skills and reliance on private sources of income. The lesson from recent funding cuts in the UK is probably that any VSO should think carefully about its mission as well as its business model to assess its degree of exposure. How much of its work could be put at risk with a political/funding change? What matters most to the organisation, doing more of the same, doing less but being able to influence state policy, or just serving a smaller group within its own resources? The years of relatively easy money have meant that many groups have not continued to question the coherence between their mission, the way they are funded and what they actually prioritise in their work.

#### **2.1.4. Hybridity as a permanent feature<sup>16</sup>**

As a consequence of ‘welfare statism’ being replaced by ‘mixed economy’, boundaries between the third sector and the market and state have been increasingly blurred. The last three decades has seen an expansion of ‘hybrid organisations’ that have a mixture of attributes from public, private and third sectors. However, hybridity is not just any mixture of attributes from different sectors, but is characterised by markedly different principles of governance and management in each sector. Hybrid arrangements are very common in the field of welfare, e.g. health care, education, social housing. The most common example is a social enterprise – an organisation that employs business strategies to fulfil social and philanthropic objectives and that reinvests any profit for that purpose. Another good example is the unloved quangos which have been a matter of public concern since the 1970s, as public money and government responsibilities ended up in the hands of unelected persons. In the UK there are also GONGOs (government owned NGOs), particularly in the health field of where the National Health Service runs a large number of ‘charities’, often with little direct accountability to the public. There are also cases where a charity has taken on statutory responsibilities; for example, the National Society for the Prevention of Cruelty to Children has a special ‘authorised person status’ and can intervene on behalf of children in the same way as state authorities do.

There is a strong-held view pointing to the danger of the growing effect that bordering domains have on each other and a possible loss of sovereignty and mission creep by the VSOs working in the area of welfare. By gaining access to resources and policy-making mechanisms, they have entered into a ‘Faustian pact’ and risk losing the unique characteristics which made them attractive to government initially. It could be argued that by entering into a contract with the state to deliver public services, VSOs are breaching their charitable status. According to a recent review by the UK Charity Commission, a considerable number of charities involved in public services are subsidising the services they deliver using the funds that they raised elsewhere, with only 12% of charities (out of 3,800 interviewed) able to achieve full cost recovery. Moreover, only 26% of these VSOs feel that they are free to make decisions without pressure to comply with their funders’ requirements.

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<sup>16</sup> See Billis 2010; Brandsen 2005

However, those with a more positive outlook argue that boundary problems and fickleness are inevitable and essential characteristics of the voluntary sector and that hybrid organisations should be viewed as innovative and positive solutions.

## **2.2. Non-institutional civil society<sup>17</sup>**

In the last 15 years non-institutional forms of civil society have gained new momentum and have had a significant impact on policymaking and public attitudes. These forms of civic activity comprise of loose-based coalitions, networks or groups of individuals, which are characterised by the lack of formal structure, organisation and durability, making it difficult to provide meaningful assessments of the strength and scope of this part of civil society.

### **2.2.1. Modern day protests: challenging elite and the public**

Public protest groups and social movements often involve direct action as a prominent feature, are formed either around an oppositional agenda or in support of a specific issue, and cover a broad range of topics, such as: anti-capitalism and globalisation, government spending cuts, environment, racial discrimination, antimilitarism, animal welfare, ethical consumerism. One recent example is the anti-capitalist protest “Occupy London” in front of St Paul’s Cathedral, inspired by the Occupy Wall Street movement in New York. Overall, these protests do not seek to confront the political regime but rather to influence public attitudes and values, and state policy and practices, as well as to mobilise for further civic action and/or challenge the elite. Arguably new people movements represent the ‘reclaiming’ of civil society, particularly in the light of the compromised independence and impartiality of the voluntary sector, where many traditional VSOs have downgraded their advocacy activities in favour of service provision. Such unorthodox and creative approaches to organising advocacy work are also a response to the increasing consolidation of the formal sector into common systems, standards and organisational criteria. The idea of getting directly involved in helping others and forging personal links with beneficiaries is very strong in the UK. Most people prefer to do this by volunteering (over 61 million people volunteer formally or informally at least once a year). Others establish trusts in memory of a loved one, or start their own small-scale initiatives free of bureaucracy and allowing them to be hands-on. Another example of a direct link with beneficiaries is charitable activities by almost every church in the UK, e.g. fundraising for a school in Africa.

However, non-institutional forms of civil society – especially those with a strong advocacy element – could potentially exacerbate underlying tensions within communities and escalate a clash of interests in the public sphere. Moreover, certain radical aspects of non-institutional movements border on the shadowy side of civil society, e.g. ecotage (“eco” plus “sabotage”).

### **2.2.2. Uncivil society groups**

Radicalism is a widespread reaction to the tensions and divisions underlying civil society and local communities in the UK, and manifest in the form of terrorism, crime and racism. The ‘war on terror’, which has led to the curbing of some civil liberties, reshaping of civil society and aggravation of the tension between state and civil society, has also exacerbated more shadowy, violent elements of civil society. Growing far-right attitudes, negative media and public discourse with racist and xenophobic overtones, and economic deprivation and inequality – particularly in racially-mixed and marginalised parts of inner-cities – are some

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<sup>17</sup> See Daly and Howell 2006; Carnegie 2010

causes of inter-ethnic and inter-religious intolerance and conflicts in the UK, e.g. racial clashes between Asian and Black communities in Birmingham in 2005. The civil unrest and violence in UK cities in August 2011 has again brought issues of social exclusion, poverty and unemployment among youth to the forefront. It seems that despite many “state social programmes and initiatives, long term exclusion and poverty seems to be structurally resistant to change. Coupled with government’s apparent or perceived lack of genuine interest in the problem, has contributed to the formation of the culture of ‘them and us’, alienation of the whole generation of young people and wider gap between and within in communities. The scale and shape of the uncivil side of civil society needs to be further researched and understood.” (Allen 2011) Given their skills and knowledge of the context, civil society associations must play a leading role in addressing the root causes of xenophobia, discrimination and social exclusion and in building more cohesive communities. A recent example of such activity is a campaign by the National Council for Voluntary Youth Services, which aims to combat negative stereotypes promoted by the media during and after the riots.

### 3. Participation: a long-standing tradition

The UK has a time-honoured tradition of charity, volunteerism, membership and cooperativeness. Although there has been a talk of a decline in participation and of British people becoming increasingly indifferent to engagement, the voluntary sector reports no sharp changes in levels of participation (NCVO 2011). Although there has been a considerable drop in certain public and social forms of participation, namely voting and membership of political parties and trade unions, areas such as volunteering and charitable giving have not experienced any major decline. New societal trends and patterns of engagement, including ethical consumerism, non-institutional civic activities, and online participation, continue to alter participation in its traditional format.

With the civic core consisting mainly of well-resourced and educated people, their participation is disproportionate and the number of people from more deprived communities engaged in civic activities or volunteering is much lower. This presents a genuine challenge to the new government and its commitment to strengthening local communities and enhancing social inclusion. (Mohan 2011)

For centuries, the UK has been a scene of progressive democratic reforms, propelled to a large extent by campaigning efforts of pressure groups such as the Chartists, the Suffragettes and more recently, the Scottish Constitutional Convention and the All Wales Convention. And although the last several decades have witnessed a steep decline in political and public participation due to a general loss of confidence in the major political parties and disenchantment with representative democracy, this trend is not an indication of a lack of interest in politics but of a crisis in the relationship between the system and the citizens. According to the Carnegie UK Trust, we are currently witnessing the emergence of a participatory representative democracy due to government acknowledgement of a wider role for civil society in the process of decision-making and deliberation. For instance, in recent years a considerable number of VSOs have taken part in a consultation process where the state formally engages organisations in decision-making. Parliaments are increasingly opening themselves up to petitions and allowing individuals to take part in debates.

In the last few years new spaces and opportunities for mobilising and engaging people have emerged. Information communication technology (ICT) seems to have a particular potential to create new virtual spaces and online approaches which are often less formal and offer a new flexibility and independence to activists. Both formal and informal advocacy groups extensively use web-based tools such as email lists, online petitions and blogs, altering people's expectations of advocacy work. The UK government also makes use of digital democracy tools, encouraging greater involvement in decision-making and providing easy access to various sources of data. However, it is argued that the internet does not enhance political and public activism, and rather further deepens the digital divide in the society.

## Conclusion

This paper set out to describe a long history of civil society in the UK. It describes the slow evolution of both forms of organisations well as legal frameworks. It is not an accident that recently the government and the Charity Commission has tried to deal with legislation and definitions which are based on codes agreed over 400 years ago. The concept of public good and public interest is re-emerging under this legislation, and it is asking charities to defend and define themselves in terms of the public good they provide. This is a narrower definition of civil society (as defined in charity law) than that used by NCVO in its annual almanac, where they include cooperatives, universities, housing associations and employee-owned organisations. What is clear, however, is that there are innumerable small organisations, many often not legally recognised, which play a part in the lives of British citizens. We shouldn't allow discussion of the larger organisations to cloud the existence and importance of civil society at the grassroots. Merely summarising economic turnover or numbers of full-time staff does not convey the massive importance of civil society generally, and movements like voluntarism specifically.

What was perhaps a surprise was the very early emergence of state funding for civil society groups, particularly those offering services to the poor. The current debate about the impact of state funding on the independence of civil society is not new. We also see that over time we have had radical movements from both the middle classes (e.g. on slavery, suffrage) and working classes (e.g. chartists, trade unions). Civil society organisations are not a preserve of just one class. Movements and organisations, from the largest to the smallest, come and go according to need, interest, and the context in which they operate. Some achieve their aims, others do not; there is no single right way to run a civil society organisation. What is clear is that the flow of history was helped by the steadily growing tradition, experience and history of civic action. This is not to say that all issues and problems have been resolved. We can see from the recent debates over Compacts and Big Society that there are still profound differences in ideology and implementation of state policy which impact on VSOs and civil society. The tension between civil society and the state is permanent, and the swings from focussing on one or the other also seem to be continuous. At times it seemed to be agreed that the state should provide most services and VSOs fill in a few gaps, at other times VSOs provided perhaps the majority of services in some sectors (education and health). Somewhere in between the model emerged whereby the state controlled, regulated, and even funded the provision of services by a mix of state, private commercial, and private-not-for profit providers. In the context of recession this balance is likely to be one hotly debated in many countries in coming years.

Overall civil society in the UK has moved from origins as a political concept and form, through charitable service delivery, to being part of the institutional structure of the country as

well as at times standing in opposition to the state. History and political and economic context has determined these moves between different forms of civil society. The ebb and flow of relationships, priorities, forms of organisation, and state-civil society relationships can be regarded as an organic movement rather than the evolution of some form of ideal model. Indeed the nature of the 'model' is still be hotly debated.

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