

Influencing for Impact:

A guide to influencing policy
and politicians for disabled
children's organisations



This guide is dedicated to the children, young people and family members who have worked with the Every Disabled Child Matters campaign since 2006 and whose actions have formed the basis for all the success the campaign has achieved.

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1. Introduction

This guide sets out principles and key approaches to assist in influencing policy and politicians on behalf of disabled children and their families. It has been written for the disabled children's voluntary sector by the sector and seeks to distil learning from some of the sector's most experienced and successful lobbyists and campaigners. We hope that many of the principles in this guide will translate to other sectors.

The guide is primarily intended for all staff and trustees working within organisations with an interest in campaigning for or influencing policy and politicians. It is not aimed at individual disabled children or family campaigners, although we hope children and families may find it interesting and useful.¹

This guide aims to be both a headline introduction to influencing, and a collection of specific advice, based on experience of influencing for disabled children and their families. For more detailed general guidance on lobbying and campaigning² we suggest you refer to the *NCVO Good Campaigns Guide* and other publications from the NCVO Campaigning Effectiveness unit.³

Influencing is now a key part of charitable activity. But a lot of influencing efforts fail to achieve their desired impact. While most charities will achieve some impact with the media, with politicians or amongst the public, most do not achieve their ultimate goals. In fact, historically, success in influencing has been so comparatively rare that the NCVO Campaigning Effectiveness unit has produced a specific book titled *Campaigning for Success: How to Cope if you Achieve Your Campaign Goal*. A much more common experience for the sector is summed up in what one senior charity manager told a recent parliamentary reception:

'We've been campaigning on this issue for nine years and absolutely nothing has changed...'

But it doesn't have to be this way. Real change can be achieved if you play to your organisation's strengths. One of the strengths of the disabled children's sector is the variety of expertise and resources across different organisations. Some have good access to case studies, some have built up policy expertise in particular areas, and some have strong relationships with professional bodies, or local groups of young people or parents. Others have a strong online presence or a large, active supporter base. Some of the best influencing can be done by linking up with other organisations looking to influence on the same issue, and sharing complementary resources, rather than by trying to go it alone.

There is no magic wand which can be waved to guarantee that you or your organisation will be able to achieve the change you want through your influencing activities. However, we know from experience that there are a number of basic principles and approaches that, if followed, will increase the likelihood of your message being heard and acted upon. Setting out these principles and approaches is the purpose of this influencing guide. We would also urge colleagues to read the current version of *Speaking Out* (CC9), the Charity Commission guidance on campaigning.⁴ This sets out the law as to what charities can and can't do in campaigning terms. Charities engaging in public campaigning should also be aware of the Advertising Standards Authority (ASA) Advertising Codes.⁵

¹ For guidance on campaigning by parents, see for example *Constructive Campaigning for Autism Services: The PACE Parents Handbook* (Jessica Kingsley Publishing).

² By 'lobbying', we mean putting pressure on elected politicians or civil servants ('officials') to change policy or legislation. By 'campaigning' we mean any organised activity by a group of people intended to achieve a specific goal or goals.

³ <http://www.ncvo-vol.org.uk/campaigningeffectiveness>

⁴ <http://www.charity-commission.gov.uk/publications/cc9.asp>

⁵ <http://www.asa.org.uk/asa/codes/>

Why charities need to influence government

It is still common in the voluntary sector to find individuals and organisations who feel it is not their role to get involved in anything 'political'. In part this reflects the roots of the voluntary sector in 19th century philanthropy, where charities were set up to alleviate hardship and distress at a time when the state offered nothing other than the Poor Law.

However, making politicians and policymakers act is now what our beneficiaries expect from us and is one of the key things our organisations exist to do. Charities working with and for disabled children and their families have an almost endless list of reasons to influence government, including but not limited to:

1. Raising the profile of disabled children, young people and their families amongst key decision makers;
2. Expanding the legal entitlements of children, young people and families to access services and support;
3. Highlighting where existing rights (including human rights) have been breached and demanding resolution and redress;
4. Increasing funding streams which support the provision of services to disabled children and families;
5. Ensuring that mainstream education, health, children and families policies take into account the particular needs of disabled children and families;
6. Ensuring that the voluntary sector has a key critical influencing role in government policy; and
7. Getting more resources to allow the particular charity to deliver more and better services and support.

Conflicts of interest

It is immediately obvious from the list above that charities will often have influencing objectives that seek benefits for all disabled children and families while at the same time holding objectives which look to benefit the charity itself and/or the particular group of disabled children and families that receive its services. This has the potential to lead to confusion and even conflicts of interest. While influencing simultaneously for the greater good and for your own charity is acceptable, it is important to be clear in your own mind and to the audience you are seeking to influence precisely why you are advocating a particular course of action. The test should be – who will benefit if the government, this MP, this journalist does what I'm asking them to do? Often some of the most effective lobbying is done in consortia of different organisations precisely because it is impossible for the government to then accuse one particular organisation of special pleading on their own behalf. An example given of one potential conflict of interest was an organisation taking a decision not to tender to write government guidance on one of their key campaigning issues but instead to remain on the critical reader group. There are few 'right' or 'wrong' answers in this area, all situations being fact-specific, but a simple question to ask is whether a situation feels like a conflict of interest. If it does, you should take steps to address the situation.

The spectrum of influencing

We have deliberately chosen the term 'influencing' for this guide to capture three specific types of activity targeting policy and politicians. Activity on the spectrum of influencing includes:

- 1) Public campaigning, whether 'real world' (marches, meetings, postcard campaigns) or online (email lobbying, petitions on the Number 10 website);

- 2) Lobbying or ‘government relations’, where charities speak with or write to key decision makers and politicians behind the scenes; and
- 3) Policy influencing, where charities engage in the formal process of policy formulation, often as part of an open public consultation.

We have chosen not to go into detail about direct action and protest, which can include activities that may skirt or cross the boundaries of lawfulness. Some charities do undertake this kind of work, and it can produce results – see the impact Greenpeace had with the Rainbow Warrior and continues to have in highlighting gross environmental violations. However, for organisations in the disabled children’s sector, direct action and protest is likely to be seen as a less credible, less effective and appropriate approach to achieve the outcomes we are looking for.⁶ We exclude from our definition of ‘direct action’ campaigning activity such as marches, mass lobbies and vigils, which experience suggests can be very effective forms of influencing. For example, Leonard Cheshire delivered lobbying postcards to Parliament with a horsedrawn hearse to emphasise that the transport provisions in the Disability Discrimination Act are so delayed in coming into force that many disabled people would be dead before they could benefit from them. Another example is the local public protest meetings and lobbies of council meetings arranged by the parent group FORCE on short breaks, which were picked up by national media.

The boundaries between these types of influencing are not clearly marked and activity will often be a mixture of all three. For instance, before the public Every Disabled Child Matters campaign was launched, the consortium of charities involved privately lobbied key MPs while at the same time wrote letters for publication in the national press, a type of public campaigning.⁷

There are no hard and fast rules about which type of influencing activity works best. However, there are some key factors which we believe should be taken into account:

- 1) There is likely to be a cost to a positive relationship with government if you engage in direct action and protest. These methods are often characterised by desperation and are likely to be the best option only if you have no confidence that government will deliver your objectives – see the May 2009 protests by Tamil activists in Parliament Square;
- 2) On the other hand, there is a danger in becoming too close to government, so at the right time, influencing activity that is seen as more challenging or critical can have the helpful effect of demonstrating your organisation’s independence;
- 3) It can be helpful for different organisations and individuals operating in the same sector to take different approaches along the spectrum – for instance, the legislation on disability rights from 1995 onwards has resulted both from campaigning by disability activists and by more subtle influencing and persuasion by the major disability charities;
- 4) Any public campaigning should be preceded by significant private lobbying of key decision makers to understand what the barriers are to achieving your objectives and how best to frame your demands;
- 5) Even when key figures within government want to deliver for you, there may still be a need for public campaigning to ‘create the space’ for them to act;
- 6) However, none of these methods are likely to deliver anything of value for you or your beneficiaries unless you stick to the basic influencing principles.

⁶ We note with interest however the campaign by London Citizens (and others) to end the use of vouchers for asylum support. This coalition subverted the system by organising local groups to buy vouchers from asylum seekers in return for cash. The Government has now agreed to pilot a scheme to replace vouchers with a cash card in response to this. See <http://www.ekkleisia.co.uk/node/9988> for further details. This is clearly an effective example of creative, non-violent direct action in campaigning (with thanks to Katherine Hill).

⁷ For analysis of the background and early impact of EDCM, see Steve Broach, Ben Coleman and Louise Franklin, ‘Winning a New Priority for Disabled Children: The Every Disabled Child Matters Campaign’, *Journal of Public Affairs*, 9, 169-174 (2009).

Basic influencing principles

Before engaging in any influencing activity, we suggest that you can answer the following basic questions:

1) *Do we have a mandate from the people we claim to speak for?*

Increasingly, all charities are expected to be able to prove that the claims they are making come directly from the people they are purporting to represent. In the disabled children's sector, it is critically important that all influencing activity is shaped by the views, wishes, feelings and experiences of disabled children, young people and families. As an example, the success of the Parliamentary Hearings on Services for Disabled Children (Summer 2006) was built on the oral and written evidence submitted by young people and parents which directly informed the final report.

Before starting any influencing activity, it is necessary therefore to be sure that what you are asking for genuinely reflects the priorities of your particular group. It is also essential to plan how children, young people and families will be involved in influencing activity on an ongoing basis: setting objectives, choosing methods of influencing and ultimately in delivery. The more clearly you can evidence the direct link between your campaign demands and your beneficiaries' stated priorities and needs, the more credible your mandate is likely to be with those you seek to influence. There is no substitute for beneficiaries delivering their own messages to decision makers; in person, through film footage, in writing, or in quotations. Given the right support, disabled children and their families are their own most powerful advocates.

For The Children's Society's *Ask Us about Direct Payments* campaign, disabled young people were involved in sharing experiences and developing resources. The young people then used these resources as a lobbying tool to raise awareness and promote change at local and national levels through presentations, workshops and seminars. Similarly, Mencap's 'me2' group in Dudley acted as a reference group for all stages of the *Don't Stick it, Stop it!* anti-bullying campaign. They were involved in setting campaign objectives, design, developing key messages and evaluation.

Campaigning activity must not just be participatory, it must be seen to be participatory. An excellent example of this comes from Whizz-Kidz, who have arranged for their young board meetings to be held in the Department for Children, Schools and Families (DCSF). People working alongside the Department have told us what an impact this has had on thinking and attitudes. Part of the power comes from decision makers being forced to see disabled children and young people as they are – as children first and foremost.

2) *Have we specified our objectives?*

There is little point trying to change policy or influence politicians if you don't know what you are trying to achieve. Moreover, a broad objective like 'get more support for families' or 'make sure more disabled children get the education they need' is unlikely to effect real change; the more specific your objective, the better. Being specific about what you want to achieve allows you to take full advantage of any unforeseen opportunities to influence that arise, without being distracted by issues which may appear attractive but are in fact of minor importance.

It is also important to distinguish between your objective and the method(s) you best think will deliver this. A long-standing objective of the Special Educational Consortium (SEC) is to amend the law to ensure that schools who are about to permanently exclude a pupil with special educational needs (SEN) must first request a statutory assessment or reassessment by the local authority.

SEC's real objective here is not to increase the bureaucratic obligations on schools; rather it is to reduce the number of children with SEN who are excluded from school by requiring schools to take further steps before moving to exclusion. It is important to recognise this because there is a danger that organisations focus on the particular method chosen while missing other opportunities that may arise to achieve their real objective. Organisations involved in SEC will continue to use other methods to achieve their overall objective, for example lobbying to strengthen the exclusions guidance, in addition to influencing legislation.

Another way to think of this is that the policy or political change you are advocating for is your objective but your end result is the outcome. Using this framing, objectives can and should be compromised as the situation changes and evolves, but the desired outcomes rarely should change.

3) *Do we have all the evidence?*

The obsession with 'evidence-based policy-making' is largely fiction, with government frequently engaging in 'policy-based evidence-making' – in other words, finding some evidence to support whatever policy it is they want to adopt. However, it is certain that the first thing Ministers or officials will do if faced with influencing activity around an objective that they do not immediately support is question the evidence base for it. So, before starting to influence, make sure you have all the evidence you can reasonably assemble at your disposal.

There is no hard and fast rule about what constitutes 'evidence.' Statistics (whether from government or your own research), case study evidence from your beneficiaries, comparative evidence about what is happening elsewhere (particularly in the other UK nations post-devolution) are all likely to be helpful. Make sure any statistics you are relying on stand up to at least some scrutiny. Evidence from a sample size of 50 supporters who self-selected to respond to a survey may not persuade a journalist to cover your issue, never mind influence a Minister or official. The use of a small number of powerful case studies (see the impact of Mencap's *Death By Indifference* campaign about the neglect of people with learning disabilities by the NHS) can be a very effective approach. Evidence of experiences and patterns obtained from service provision can also be very effective. However, be careful not to overstate your case or try to generalise to the whole population from a limited number of case studies. It is important to bear in mind that campaigning without a proper evidence base can be a breach of the Charity Commission guidance (*Speaking Out*, CC9).

In preparing evidence it can be useful to think about the case you are trying to make from the perspective of the Minister - or other decision maker - who will need to defend the case against questions from opposition politicians, journalists, the Treasury, and other stakeholders. If you can supply the people you are trying to influence with robust answers to the following questions, they are more likely to feel confident championing your cause:

- What is the evidence of need?
- What are the alternatives to the course of action you propose?
- Why is the proposed option the best?
- How can we be sure this will provide value for money?
- What are the potential risks and how can they be mitigated?
- What will our political opponents say and how can we rebut any criticism they may make?

4) *Do we understand what motivates our target(s)?*

Although most people in positions of power and influence are motivated by positive goals, none of the people you will be trying to influence will be motivated *solely* by a concern to improve the lives of vulnerable children and families. All influencing targets will have their own motivations, and it is important to consider how your objectives fit with those.

For example, MPs will always have to consider how their actions are perceived by their constituents. So, any influencing activity which can show decent levels of support from a particular MP's constituency is likely to at least get a fair hearing. By contrast, civil servants are generally motivated by their desire to deliver their department's set policy objectives. So, to persuade them to act, you may need to show how your objectives dovetail with the relevant National Indicators and Public Service Agreements for that department (see '*Influencing Policy*' chapter).

5) *Have we got our timing right?*

As well as deciding what issues to campaign on, organisations need to think carefully about *when* to influence. As an extreme example, any campaign launched on or around Budget day is likely to get completely ignored unless it is about a major issue of public importance and directly relates to the nation's finances. Caution should also be shown when launching new influencing initiatives around party conference season (unless you are deliberately choosing to launch at the party conferences) and around other regular major events, such as the Queen's Speech.

There is also the wider question of whether the 'time is right' for your particular issue. Answering this question involves consideration of a huge number of variables, including the fate of any past campaigning on this issue, the point in the political cycle you have reached and the attitude of all the main parties to your cause. One example of influencing activity which came at the right time was the campaign to increase the level of the Disabled Facilities Grant (DFG) in England which involved a number of disability organisations including Mencap. This campaign was launched on the back of successful campaigning that had increased the level of the DFG in Northern Ireland and when a government review on the issue in England was just about to report. This example shows how crucial timing can be, particularly when your campaigning goals are ambitious. Outcomes involving government in significant additional expenditure are only likely to be achieved if they tie in with the regular spending review process, and in particular Comprehensive Spending Reviews.

6) *Have we thought about the politics?*

To coin a phrase, everything is political. Yet very few charities think clearly about how their objectives and influencing activities fit into the wider political context. An extreme example was the MP's expenses row, which consumed the whole of Westminster after documents were leaked to the Telegraph. Any attempt to get MPs' collective attention at that stage would have been doomed to fail. However, times of crisis mean that MPs are looking even harder than usual for ways to show they are committed to important issues. So, these are good times to build relationships with targeted MPs who you think are likely to be sympathetic to your issue, particularly if families or relevant settings (schools, playgroups etc.) in their constituencies are happy to engage with them.

Even in less extreme times, it is essential to be in tune with the political climate and aware of the political timetable – when is Parliament in recess, when MPs are in their constituencies rather than Westminster, how close it is to the Budget or the Pre-Budget Report, when the current session ends, and which Bills the government is desperate to get through, etc. All of this knowledge will help you plan your influencing activity to achieve the greatest impact.

When communicating with MPs, Ministers, Shadow Leads and Special Advisers it is always worth bearing in mind their personal agenda and the ideology of the party they represent. For example, when briefing Conservatives MPs it is worth remembering that they are likely to be motivated by messages about keeping families together, whereas Labour MPs are more likely to pick up on points about child poverty. Recent questions MPs have asked in the House, written questions and speeches they have made, as well as committees they belong to and interests they have registered, can be found on the website www.theyworkforyou.com. Party websites, policy documents and blogs (for instance the Fabian Blog

(<http://www.nextleft.org>) for Labour and Conservative Home (<http://conservativehome.blogs.com/> for the Tories) will help to inform you about the current thinking on party priorities.

7) Impact of devolution to the nations and locally

The impact of national devolution to Scotland, Wales and Northern Ireland is now obvious to the disabled children's sector. Very little legislation made in Westminster is applicable to all four nations, equalities and welfare benefits legislation being important exceptions. Most recently, the Welsh Assembly has taken over all responsibility for social care legislation and policy in Wales. So almost all legislative areas directly relating to disabled children are now devolved to the UK nations.

The impact of local devolution is more contested. All the main parties claim to favour devolution of decision-making down to local areas, as close to the grassroots as possible. Yet in reality, all the parties are nervous about giving too much control away to local areas. The Local Government Association and regional organisations such as London Councils and the Government Offices (and potentially the equivalent health bodies, e.g. Strategic Health Authorities) are also key organisations to think about when you are undertaking local influencing.

Local devolution is also a party political issue. While the three main parties all profess to favour allowing local areas to make decisions based on local need, they have different motivations for doing so. Furthermore, individuals within parties will have subtly different reasons for taking a similar position on complex issues like these, so there is no substitute for research on the decision makers you are seeking to influence.

What this means for charities looking to influence for disabled children is that local influencing must be factored in alongside national influencing to the extent resources allow. There is little point crafting the perfect national strategy document if there is no delivery on the ground. As an example, once EDCM secured an announcement that extra funding had been allocated to Primary Care Trusts (PCT) to improve health services for disabled children, the next challenge became how to make sure PCTs actually spent it in this area. Where (as in this case) power over a policy or a budget is held at the local level, then your influencing strategy must focus on local influencing, e.g. the Chair or Chief Executive of the PCT, rather than just on the Secretary of State for Health who will claim to have little or no power over local PCT budget decisions.

This guide does not address structures and processes at a local level, as the EDCM briefing *Making Disabled Children Matter Locally* provides a good introduction to this information.⁸ We would however stress that there is just as much opportunity for innovative and exciting influencing activity at the local level as at the national level. The following examples from The Children's Society show this:

- i) Ask Us campaigning work in Solihull ('Can I go to the park mum') used multimedia to present to decision makers, which led to partnership between the Parks' Department and local disabled young people, and agreement to consult disabled young people every time a local park was renovated and upgraded.
- ii) Disability Equality Audits of local leisure services in York led to a report with action points and a DVD produced by young people. This was presented to leisure services and individual leisure providers with follow up audits some months later to check what had changed as a result.

Local influencing can be particularly effective when the media is engaged – as with Mencap's *Changing Places* in relation to fully accessible toilet facilities. Grassroots campaigning is also likely to obtain sympathetic coverage on the Community Channels and specialist stations like Teachers TV.

⁸ http://www.ncb.org.uk/edcm/mdcm1_april09.pdf

2. Political influencing

Tools for change

Influencing legislation

Influencing legislation is one of the key roles of the modern voluntary sector. Legislation in the UK passes through Parliament in the form of Bills. Once Bills have progressed through all of their stages they become Acts of Parliament. The progress of Bills going through the House during a parliamentary session can be tracked at www.parliament.uk

In theory, one of the key tasks of MPs is to debate and scrutinise legislation as it passes through Parliament. In practice, the weight of Parliamentary business and the control the government exercises on the Committee system means only a relatively small number of MPs will pay close attention to any given piece of legislation. However, it is possible to work with your key MP supporters to influence legislation that they are willing and able to get involved in. The process in short needs to go something like this:

1. Through your policy influencing, try to get a sense of which Bills are going to be coming through that are going to impact on your organisation and/or supporters. Some policy areas, for instance criminal justice and education, will be likely to have new legislation announced every Parliamentary year. Meetings with Ministers and officials before the Bill is published can be very effective in directly influencing the Bill's final content to suit your agenda.
2. Some legislation is now published in draft for pre-legislative scrutiny by Parliamentary committees. It is well worth giving evidence to such committees, in writing and ideally orally. Lobby any MP supporters on key committees (e.g. Children, Schools and Families and Health) to try to increase the chances of being called to give evidence.
3. As soon as the Bill is published (or even before), try to get a meeting with the Bill Manager, a relatively senior civil servant who will be responsible for the safe passage of the Bill through Parliament. Try to explain how you can be useful to the Bill Team in channelling the views of those that will be affected by the Bill (your campaign beneficiaries or supporters), how your issues fit with the intention of the Bill and how the amendments you need could be achieved simply and without diverting the passage of the Bill. For example, EDCM explained how a specific duty on local authorities to provide short breaks could be introduced through a single amendment to the Children and Young Persons Bill 2008. The Government ultimately introduced its own amendment in response to EDCM campaigning. These meetings are best requested in consortia if at all possible, for instance Special Educational Consortium (SEC) will almost always get a meeting with the Bill Manager at or around the time a new Education Bill is introduced whereas a busy Bill Manager may refuse to meet individual organisations or small groups.
4. Produce a general briefing for the Bill's Second Reading, the first opportunity MPs have to debate the Bill. Make your briefing as short and punchy as possible. Include case studies which highlight the issues raised and are framed in a way that can be used in debate. There is no need to draft amendments at this stage, but your briefing should give an overview of your organisation's position on the Bill and suggest issues and questions for MPs to raise with the Minister. It is almost always more effective to brief on Bills in consortia than as a single organisation – unless the issue you need to raise is really niche and genuinely only impacts on you and your supporters.

5. Work together with sector colleagues to produce a limited number of amendments in plenty of time for the Bill's Committee stage. Be clear whether your amendment is 'probing' (i.e. a device to get the government to make a policy commitment in response, such as to issue guidance) or if you are actually trying to change the Bill. Amendments which modify the current wording of a clause in the Bill are preferable to amendments that either delete or add phrases or whole new clauses. However these options are open if modifying amendments simply isn't enough as long as your issue is within the scope of the Bill's long title (available at www.parliament.uk). As well as getting the wording right, it shows broad support to get more than one MP on the Bill Committee to table the amendment. As always, you will need to think about the party politics around the Bill in deciding whether to approach Labour, Liberal Democrat, Conservative, or a cross-party group of MPs to table the amendment. Bear in mind that the government may discourage backbenchers on the Committee from its party from proposing amendments. Also, note that opposition parties lack the detailed policy support the government has – so by providing them with amendments and briefing, you are doing a useful job by giving them something to say. Opposition frontbenchers will usually accept your amendments if they are well drafted and backed with a comprehensible briefing, unless there are obvious party political reasons (e.g. costs) for them not to. However Opposition amendments are obviously less likely to be forced through than those with support from the government backbenches.
6. You should send your amendments and briefings to the Bill team so that they can prepare ministerial responses. The aim is not to win debates and votes or catch people out, but to ensure a fully-informed discussion of your amendment. Even if the government decides to agree with you, they will not do so straight away – they may suggest their own amendment and introduce it at a later stage. If you do manage to successfully ambush the government and force through your amendment, there is a real risk that the government will use their majority to overturn it again at a later stage.
7. Review progress after the Committee stage and consider which amendments to re-table at the Report stage (where no new issues can be raised). The Report stage is now often wrapped up with the Third Reading as the final stage of debate.
8. Once a Bill has passed through whichever House it was introduced into (Commons or Lords), the whole process is repeated in the other House. Many of the disabled children's sector organisations have traditionally had more success in amending legislation in the Lords than in the Commons, not least because of the presence of cross-bench (unaligned) Peers associated with the key disability charities (for example Lord Rix, Mencap's President). However, it is always worth trying to make progress in the Commons, not least because it gives two bites at the cherry and flushes out the government's position on your issue at an earlier stage, allowing you to come up with new arguments.
9. After a Bill has become an Act, regulations will be written to determine how the Act is implemented. Drafting regulations will be the work of civil servants in the relevant departments, but not necessarily the Bill lead. If you are not able to influence the bill itself, or need detailed clarifications about how disabled children will be affected by implementation, it is useful to influence regulations and the statutory guidance that often follows. The passing into law of a Bill (when it becomes an Act) is often the beginning, not the end, of the most important stage of lobbying. It is often the detail of regulations and guidance that matters most to our beneficiaries.

It is important to bear in mind that great results can be achieved through Bill work even if you do not succeed in getting the Bill amended. As an example, The Children's Society and VOICE, supported by EDCM and many other partners, lobbied during the passage of the Children and Young Person's Act 2008 to improve access to advocacy for disabled children placed away from home and other groups of looked after children. Although amendments to secure this were ultimately not accepted, during the debates a number of helpful assurances were obtained from Government. For example, the Minister committed that new guidance for Independent Reviewing Officers would require specialist support to be made available for children and young people who have communication support needs or other complex needs, to ensure their views are heard when plans for their care are being made or reviewed.

It is however possible (with hard work and persistence) to achieve meaningful amendments to Bills which survive the Parliamentary process. For instance, Mencap secured a key amendment to the Childcare Bill 2006 through getting mainstream children's organisations on board while demonstrating the problem through a mystery shopping exercise. Similarly, EDCM succeeded in obtaining important amendments to the Children and Young Person's Act 2008 in relation both to short breaks and the rights of disabled children placed away from home.

Private Members' Bills

Private Members' Bills are the mechanism for backbench MPs to introduce legislation to Parliament; all other Bills being managed by government through the Whips⁹. The Disabled Children (Family Support) Bill 2006, introduced by Gary Streeter MP, was used to great effect in increasing the pressure on Government to commit significant resources to short break services through the Spending Review. It was at the Second Reading of the Bill that EDCM secured the public commitment from Government to invest significant funds in the Aiming High for Disabled Children short break transformation programme. More recently, the National Autistic Society (NAS) and partner autism organisations have driven through the Autism Act 2009, creating new duties in relation to adults with autism and a number of commitments in relation to children. These examples show how effective Private Members' Bills can be; however, they are also incredibly resource-intensive to run and can threaten relationships with government if not controlled properly.

There are different categories of Private Members' Bills. 10-Minute Rule Bills are essentially a device for showing Parliamentary support on an issue and have no chance of becoming law. The more powerful Bills are known as 'Ballot Bills' as they are introduced each year by 20 MPs drawn out of a ballot held at the start of each Parliamentary session. In reality, only the top seven or eight MPs drawn have any prospect of being allocated sufficient Parliamentary time to get their Bill through and those drawn in the top four have a better chance still. There are real benefits to getting the MP drawn first to adopt your Bill, not least in terms of increased media coverage. However there are also drawbacks in that this Bill will be debated first, giving less time for negotiations with government.

The process of preparing a Private Members' Bill should start with identifying what legal changes could be made that would benefit the children and families you represent but would have little or no cost implications. There is a convention that Private Members' Bills should be essentially resource-neutral, although a degree of slippage is allowed here. This means that new duties proposed in Private Members' Bills need to be as limited as possible. They should be restricted to 'target' duties which the courts are unlikely to enforce rather than 'specific' duties which give rise to a right to services for individual children and families and consequently have a real cost attached. You may be able to access legal support with the drafting of the Bill, with many lawyers willing to provide their services pro bono (free) to help organisations who they support.

⁹ Whips are MPs or Lords appointed by each party in Parliament to help organise their party's contribution to parliamentary business.

Once a draft Bill is ready, it needs to be promoted to MPs, potentially through an event at the end of the session before the Ballot will happen (i.e. before the summer recess or shortly after the party conference season). Informal discussions also need to happen with key officials and if possible, the relevant Minister to ascertain the government's likely response to the Bill.

On the day of the ballot, a representative from your organisation can and should be at the ballot to take down the names as they are called. The 20 MPs should then immediately be targeted according either to their position in the ballot or their level of support for your issue (focusing on any warm supporters drawn above position eight in the ballot). If you can, try to find supporters in the MP's own constituencies who can lobby them immediately to take your Bill forward. Successful MPs will be inundated with requests to take Bills, so try to be one of the first to call and have these key points ready:

1. The headline purpose of the Bill and the reason it would make a difference;
2. The position of the government, and/or the Opposition front bench;
3. The resource implications;
4. The level of supporter engagement, i.e. how many letters/emails will be sent to the MP's colleagues asking them to support the Bill; and
5. The likely media interest.

If an MP takes your Bill on, then someone from your organisation will need to play the role of Bill Manager, managing discussions about the content of the Bill with your sponsor MP, their backbench colleagues, Ministers and officials. At the same time, your organisation will need to mobilise its supporter base to put pressure on their MPs to attend the Second Reading of the Bill. This is absolutely crucial; Second Readings of Private Members' Bills take place on Fridays when most MPs are typically in their constituencies. Your supporters will need to persuade them to be in Parliament instead on that day to vote for your Bill. If the government opposes the Bill, then the easiest way for it to fall is for the Whips to find loyal backbenchers who will make long speeches to talk the Bill out. The only way to avoid this happening is to have 100 MPs in the chamber so that the sponsor MP can call a vote. To make government take your Bill seriously, you need them to believe that it is at least possible that you will have 100 MPs there on the day.

Statutory Instruments

Statutory Instruments (SIs) are a form of legislation which allow the provisions of an Act of Parliament to be subsequently brought into force or altered without Parliament having to pass a new Act. They are also referred to as secondary, delegated or subordinate legislation and once in force as 'rules' or 'regulations'.

Acts of Parliament often confer powers on Ministers to make more detailed orders, rules or regulations by means of SIs, and they can also be used to amend, update or enforce existing primary legislation. As SIs are often debated in the House, it can be useful to influence them as you might primary legislation.

A recent example of this is a SI that updated the *1998 Secure Training Centre Rules* to permit restraint for the purposes of "ensuring good order and discipline". 11 Million challenged this SI with a submission to the Select Committee on Human Rights. It was later declared to be unlawful by the courts as violating Article 3 of the European Convention on Human Rights.

Working with individuals and political groups

The majority of influencing activity is done by working with MPs to influence government. In many ways this makes sense; MPs represent the views of their constituents, and if a majority or even a large minority of MPs support a particular issue, there is a much greater chance of getting legislation amended or diverting resources to this area. However, it is also widely acknowledged that many backbench MPs have little or no influence over government. So, as with all influencing activity, it is essential that MPs are properly targeted and asked to take actions that are both meaningful and within their remit.

i) Influencing MPs

Contrary to popular myth, most MPs are extremely hard-working and incredibly busy. Therefore, there is little point asking MPs generally for 'support', and much more to be gained from explaining your issue briefly to them and then asking for them to take a specific action. This is particularly likely to work if you link your ask to constituency issues – even if just by roughly calculating the number of children, young people or families are affected by the issue you are raising in their patch. Many MPs will issue a template media release, drafted by a charity, to their local media with a statement of their support, as long as it includes some local data and doesn't contradict party policy.

ii) Working with MPs

The most useful types of support MPs can offer any charity include:

1. **Writing to Ministers.** Any letter from an MP to a Minister is almost guaranteed a relatively swift response. Letters from MPs are logged onto a Ministerial Correspondence register and performance of officials within the department is measured on how timely their response is. If you want to get your issue on the Minister's agenda, it is much more effective to ask your supporters to write to their MPs, asking the MP to write to the Minister, than it is for supporters to write direct to the Minister. MPs with whom you have a relationship may also write to Ministers on your behalf of your organisation. This can be particularly helpful if letters from your Chief Executive or Chair are not getting a response, and/or you are finding it impossible to get a Ministerial meeting. MPs can and will ask the Minister for a meeting which both you and the MP attend.
2. **Signing Early Day Motions (EDM).** This is the simplest way for an MP to show support for an issue. EDMs are essentially a device to show parliamentary support for an issue and are almost never debated. Getting a group of MPs together (ideally cross-party) to table the EDM is also a good way to build deeper links with key MPs. The EDM homepage¹⁰ allows you to see the current list of live EDMs and sorting by number of signatures shows which are popular. The trick to drafting an EDM is to be as hard hitting as possible without putting off 'loyal' backbenchers from the government party. A good EDM will also end with a realistic and sensible call for action to government. As a general rule, an EDM needs to have over 100 signatures to have any credibility as a measure of parliamentary support – so don't bother if you are working on a fringe issue or don't have the supporter base ready to write to their MPs in support. Charities can and should write to MPs directly asking them to sign EDMs, but emails or letters from constituents are likely to be much more effective in increasing the signature rate for all but those MPs who are already supporters.

¹⁰ <http://edmi.parliament.uk/edmi/>

The consultation on this guide generated very different responses as to whether EDMs have any value or not. Two quotes sum the different views up:

'EDMs are almost completely useless. Their main purpose is to make campaigning organisations feel they are having an impact, and to give campaigns officers something to show their managers. If you can get over 100 signatures, you're almost certainly having an influence anyway. If you can't, it's worse than not having an EDM in the first place.'

'The important point is that the right tool is used for the right reasons, if you want general awareness of an issue and support then EDMs are useful.'

In response to this debate, the view of the authors is that EDMs do have some value in reminding MPs your organisation or issue exists, clarifying your level of support and keeping issues on the parliamentary agenda. However, they are almost never debated, they do little to influence legislation and some MPs have told us they view them as a total waste of time. So, by all means use EDMs as part of your influencing strategy, but don't spend more time and effort on them than you are sure they deserve. A final word on EDMs comes from The Children's Society, whose Safe and Sound EDM in the 2005/6 session gained 335 signatures and was top of the signature lists for a while. The Children's Society described this EDM as a '*galvanising force*' which was '*definitely useful in helping focus Minister's minds*' but would nevertheless advise serious caution in prioritising unless this sort of number of MPs are likely to sign.

3. Attending a reception – or hosting one. Parliamentary receptions are a very easy way to waste most of an organisation's influencing budget, but done properly they are worthwhile in getting face-to-face contact with MPs and bringing your supporters to Parliament. Some tips for a decent reception:

- a. Have a clear issue/outcome for the event, e.g. the launch of a campaign briefing;
- b. Make sure your speakers are interesting, well-briefed and understand the need to make very, very short speeches. Five minutes to a packed, hot room full of busy politicians is more than long enough;
- c. Get your host MP (a supportive MP who is prepared to sponsor your reception) or their staff to check as far as possible that your event doesn't clash with some major Parliamentary activity or another reception by a much bigger organisation;
- d. Get the booking as far in advance as possible, avoiding key parliamentary dates such as the Queen's Speech, and invite all MPs and targeted Peers ASAP;
- e. Then get your supporters to write/email their MP asking them to attend. One EDM supporter email more than doubled the usual MP turnout at a parliamentary event;
- f. Do everything you can to get a Minister to attend and respond to the speeches, otherwise the event will feel like a conversation amongst the already converted;
- g. Most importantly – the group you represent have a right to have their views and voices directly heard at these events. If you don't use the event to give a platform to a disabled young person (and potentially a parent), you've wasted a huge opportunity to prove that your organisation practices what it preaches in terms of rights and opportunities for disabled children and their families. Plus, a young person or a parent is almost certainly going to be more interesting and engaging to the politicians - and therefore more influential - than any trustee or member of staff. Your job is to make sure the speakers are informed and appropriately supported and that they enjoy the experience. Organisational speakers (Chairs, Chief Execs etc) should play second fiddle and should make sure their speeches are tightly focused on

the key policy issues and asks. A relevant example of good participation practice in campaigning comes from The Children's Society's *Stand By Me* campaign to establish a right to independent advocacy for disabled children placed away from home, where a live video link was used to involve young people in a Ministerial meeting. This allowed young people who might not usually be able to be involved in lobbying, due to their complex communication and support needs, to take part.

4. **Asking parliamentary questions.** Written questions are a good way to get information out of government (or get government to admit it doesn't have certain information as a precursor to further lobbying). Oral questions are a way to get a debate started on a particular issue on the floor of the House. Each government department has its regular question slot and it is worth priming your key MP supporters with some questions to ask if and when the opportunity arises. It is also worth trying to convince one or more of them to ask a key question if they are called for Prime Minister's Questions, as this is the best opportunity to get your issue on the PM's radar. MP's researchers should be willing and able to assist with the technicalities of getting questions tabled in Parliament, so long as they know that their MP is a supporter of your organisation or cause.

iii) Using Select Committees

Select Committees are groups of backbench MPs who generally shadow the work of government departments, e.g. Children, Schools and Families, Work and Pensions and Health. There are some notable exceptions to this, for instance the Joint Committee on Human Rights, comprised MPs and Peers, which considers the human rights implications of all proposed legislation. An example of the power of Select Committees is that two influential reports by the Children, Schools and Families Select Committee played a major role in the commissioning of the recent Lamb Inquiry into improving parental confidence in SEN provision.

Select Committees have a fixed membership and it is well worth building relations with MPs on key Committees. The most powerful MP will be the Committee Chair, usually a government party backbencher.

Influencing Select Committees involves seeking to get the Committee to hold an inquiry into the issues you are raising, or more realistically giving evidence to an existing Committee inquiry. Select Committee agendas are set well in advance and engineering an inquiry into your issue may take a number of years – but this remains an excellent long-term influencing goal. Each Committee website will list current and forthcoming inquiries and will explain the process for taking evidence. The Committee Members, and particularly the Chair, will have a great deal of influence over who is called to give evidence and it is worth trying to persuade supportive Members that your organisation has particular expertise to offer or a unique point of view that the Committee needs to hear.

Again, as with almost all influencing activity, Select Committees can be easier to influence in consortia of similar organisations. EDCM had real success in using the Work and Pensions Select Committee report on child poverty to press the Government on the campaign's specific recommendations to address the issues causing poverty for families with disabled children, particularly the lack of accessible and affordable childcare. Through giving oral evidence and lobbying key Committee members, the campaign's recommendations were included word-for-word in the Select Committee's report and the Government eventually responded by increasing the funding to make childcare affordable for poorer families with disabled children in London.

If your organisation has invested time in trying to influence Select Committees, be sure to follow this work through. Getting your recommendation into a Select Committee report may feel like cause for celebration, but it is completely meaningless unless government then takes the recommendation seriously and responds with some action. Consider having your supporters email or write to MPs once the report is out, highlighting your key recommendation(s) and asking MPs to write to the Minister(s) demanding a response.

iv) Using All-Party Parliamentary Groups

An All-Party Parliamentary Group (APPG) is a group of backbench MPs with a particular interest in an issue or cause. In the disabled children's sector, the most well established APPGs include Children, Disability and Autism. They can have members from both Houses and have Officers who set the APPG's work programme. Most APPGs are supported by sector organisations (NCB support APPG Children, RADAR support APPG Disability, NAS support APPG Autism) and may have a steering group drawn up from the wider sector.

APPGs vary widely in their influence. Before targeting a particular APPG, it is worth attending a few of their meetings. If APPGs can get a Minister to attend, then they are likely to be worth influencing. The APPG for Carers is a good example of what can be achieved through working with APPGs. In 2009, Dr Hywel Francis MP, Chair of the APPG for Carers, arranged for a meeting of officials with the Prime Minister, Gordon Brown, and worked with members to put out a supportive statement to the Equality Bill. APPGs tend to focus on public meetings and in some cases producing reports. One effective device is joint meetings with a range of relevant APPGs. This brings new MPs and Peers in to hear about the issues being raised (boosting turnout) and avoids the administrative burden of creating a new APPG for your particular issue. Any group thinking of setting up a new APPG needs to seriously consider how crowded the APPG 'marketplace' is already and whether the benefits of a new group outweigh the logistical costs.

v) Influencing political parties

Political parties have traditionally been difficult territory for charities. Parties will prefer to work with organisations who are their natural allies. It may therefore be helpful for charities to look to influence parties through the think tanks and organisations that are close to them. Equally, charities need to avoid doing anything which appears politically partisan. So influencing activity targeted at political parties needs to be directed equally at all the main parties. On this point, it is questionable whether it is legitimate for charities to only attend one party conference (ignoring whether it makes any sense politically to do so).

Party conferences are the traditional place for charities to engage with political parties. The Children's Society told us that:

'Party conferences can certainly be very beneficial but you definitely get out what you put in. If you make a lot of effort in advance to set up one-to-one meetings, plan what you hope to get out of attending others' events, draw up target lists of who you want to try and meet etc. you can take a lot away – but if you just go through the motions of organising a fringe event and going to other people's events to listen it can be a real waste of time and money. You need take quite a proactive approach to make your objectives heard over the considerable amount of background noise.'

Party conference attendance is expensive and may not offer value-for-money, particularly for smaller charities. Conference stands in particular are a very significant expense; one respondent to the consultation on this guide stated *'the cost of a stand is astronomical and I can't see how the costs can ever be justified for what you get back, without sponsorship'*. An effective strategy can be for one or two

staff members or trustees to attend the conferences and piggyback on larger organisations' fringe events, trying to get relevant questions in and lobbying delegates who attend. Charities can also come together in consortia, whether long-standing or one-off, to spread the cost and organisational burden of fringe events (the Health Hotel being a high profile example). You can also try to seek speaking opportunities for senior managers and trustees at other peoples' fringe events. Organisers of such events state that they often really appreciate such offers. However, any party conference influencing needs to be supported by activity targeted at the parties outside conference season, for instance responding to policy consultations or inviting key party officials to briefing meetings. Supportive MPs may be able to advise which party officials are the key people for a particular organisation to meet.

vi) Influencing special advisors

The early years of the New Labour Government saw a huge fuss made about special advisors (Spads), who were felt to have too much influence over policy. Spads work directly to Secretaries of State and are political appointments. Most Secretaries of State will have two Spads, one for policy and one for media/communications.

If you or anyone involved in your organisation has any way to contact a relevant Spad, they can be extremely helpful in getting your issue onto the radar of the Secretary of State. Similarly, if you are successful in your wider influencing (for example, getting a Private Members' Bill through its Second Reading), you are likely to be approached by the relevant Spad to meet. It is important to be careful not to be seen to be going over the heads of officials and even junior Ministers in working with Spads. However, they are now an established part of the political process and much high-level influencing work will involve contacting Spads. As with Ministers, the key to working effectively with Spads is to distil your message down to the simplest and shortest point possible. With Spads, the need to be overtly aware of the political context of what you are asking for is even more important.

vii) Influencing think tanks

Think tanks are often a source of innovative new ideas for political parties. For instance, the Centre for Social Justice (CSJ) 'Breakthrough Britain' policy ideas are clearly reflected in the Conservative paper 'Repair – Plan for Social Reform'. It is useful to develop relationships with policy leads within think tanks as they are often keen to discuss new ideas and may have the capacity to carry out research on a topic of common interest.

Many think tanks are closely linked to particular political parties, and the kinds of recommendations they make reflect their political leanings and ideology – Labour has not traditionally been linked with Policy Exchange or the Centre for Social Justice; the Conservatives don't spend much time working with the Fabian Society. So, as with the parties themselves, make sure you focus your efforts on a suitable spectrum of think tanks.

Think tanks can be very, very close to the top levels of government – for example the director of the Social Market Foundation became Tony Blair's speech writer. Ministers will often hold events in think tanks discussing policy – even being in the audience and asking a question can be useful so keeping an eye on their schedules can pay dividends. It is important to remember that think tanks are very political (both within and between parties) and their fortunes vary with the prevailing political winds, so be careful getting too close to just one or two think tanks, not least with the Charity Commission guidance in mind.

viii) Influencing through the media

Most of our organisations find it possible to get some degree of media coverage for our work. This is particularly true of reports, surveys etc which contain a bad news story, as the media likes nothing

more than being able to rely on a third party to criticise the government. An extremely effective example of the use of 'bad news' was having relatives tell their story about the unnecessary death of their son or daughter, which was a key factor in Mencap's *Death by Indifference* campaign resulting in an independent inquiry.

While media coverage of this sort has an important place, it can also be helpful to think of more imaginative ways to get media coverage, especially any good news stories it may be possible to place through any positive case studies your organisation can access.

It is important not to underestimate the value of the specialist sector press. For instance, *Children and Young People Now* and *Community Care* are widely read within the Department of Children, Schools and Families and the Department of Health respectively, by decision makers up to and including Ministers. These publications are likely to cover an issue in more detail than the mainstream media and will have space to explain both good news and bad news stories more sensitively, certainly more so than the tabloids. *Guardian Society* and *Education Guardian* are a helpful bridge from the specialist press to mainstream media. In terms of broadcast, *You and Yours* (Radio 4) has a particular focus on disability and carer's issues. Local media can also be exceptionally valuable in focussing the minds of local decision makers on your issue, including local newspapers, radio stations, TV and the BBC local news websites.

In tailoring your media messaging, think about the point of what you are doing in influencing terms. Do you just want to get the government to acknowledge that the issue exists? In which case, be as hard-hitting as you can. Or do you want government to take a particular course of action? If so, make sure you spell this out, and also avoid boxing the government into a corner by being too critical.

Finally, it is essential to always keep in mind that the media has its own agenda and that going to the media on an issue can backfire spectacularly. Always think – what is the worst case scenario here? How could our message be turned around and used against us? If there is an obvious risk of this happening it may be better to think of other influencing routes to take.

3. Policy influencing

Tools for change

i) Consultations

The traditional model of policy formulation portrays an efficient cycle of consultation, development and implementation. The reality is now widely recognised to be much more chaotic, with ideas emerging from many different sources at the same time and developed on a much more ad hoc basis. However, all government policies are likely at some stage to be subject to a formal consultation process. If you have a good relationship with officials, you will hopefully have been informally consulted before this point. Even so, it is still imperative to respond to the formal consultations, not least because officials will appreciate a high response rate. However, what they will not appreciate is having to plough through reams of irrelevant material to find the one or two relevant points you are making. So – keep responses short and on point. Try to respond to at least some of the specific questions asked if possible, but if you have a bigger point to make, make it (briefly). You may also want to find out if anyone else in your sector is responding, to enable a more comprehensive joint response to show strength of feeling on an issue.

Some contributors to this guide feel that if there has to be a trade off between the quality of a consultation response submitted and the quantity of relevant consultations responded to, you should go for quantity. Those advocating this approach would argue that it is unlikely that anyone important will ever read your response in any detail, whereas if you don't respond, the government can argue further down the line that you had your chance to input and didn't take it. If this happens, check how long the consultation was issued for; the Compact between the government and the voluntary sector specifies a 12 week consultation period, but this is often breached on more urgent issues.

Other contributors felt strongly that the quality of consultation responses was important, and that there is little point in submitting any more than a very short paper unless you have plans to follow this up with other influencing work e.g. meeting the key civil servants.

If a consultation is sufficiently important to put in a detailed response, it may be worth spending further time to make sure the response catches the eye. An effective example of this was the comic strip format that Mencap's Me2 group used for the response they submitted to a consultation on bullying. This of course links to the need for consultations to be fully accessible to disabled children and young people – a perennial issue which many government departments struggle with. If you need to respond to a consultation which is not properly accessible, make sure you complain about it both before and afterwards, ideally with sector colleagues so you can show the strength of feeling. Particularly bad practice in consultations may need to be referred to the Equality and Human Rights Commission.

ii) Stakeholder engagement

Government departments use matrices to track their key stakeholders based on how influential and how interested they are. Once your organisation is on the key stakeholder list, you will be invited to stakeholder events to take part in policy discussions and will be factored into the meeting schedules for new Ministers. If you think you may not be on the list for a relevant government department – ask! It is useful then to keep track of the announcements your target departments make and publicly challenge or welcome them. Other good ways to remain in the conversation is to regularly respond to consultations, request that MPs ask questions on your behalf and take an active part in any stakeholder events that your organisation is invited to.

Working with individuals and groups

i) Influencing Ministers

Ministers sit at the top of the hierarchy of government. Within each government department, there will be the following Ministers:

1. Secretary of State – attends Cabinet; overall responsibility for government departmental policy;
2. One or more Ministers of State – lead on particular policy areas. Some (e.g. Minister for Children, Minister for Housing) attend Cabinet for relevant discussions;
3. One or more Parliamentary Under-Secretaries of State (PUSS) – junior Ministers with policy leads in particular areas. Generally, the government department's Lords Minister will also be a PUSS (with notable exceptions, for example Lords Mandelson and Adonis in the current Government).

Ministers vary in their level of willingness and ability to engage with any given issue. Some Ministers will be on top of their brief and will be leading their officials. Others rely heavily on their officials (and in the case of Secretaries of State, their Spads), and will be difficult to influence independently of their advisors. Only experience will tell you how able and independent-minded the relevant Minister happens to be. So, in general terms, it is critical to brief officials/Spads carefully before any Ministerial meeting. Let them know exactly what you want out of the meeting and what contentious issues, if any, you will raise. Give them a simple request for the Minister to say yes to – meeting a delegation of supporters or visiting a project in their constituency for example.

Most Ministerial meetings are scheduled for no more than 30 minutes. Have a short agenda, state clearly and briefly where your organisation and government are in agreement, highlight where you are already working positively with officials and then outline a maximum of three areas where you want government to act, or at least consider acting. Consider what your fallback position might be; if you ask for legislation you are unlikely to get it, but could your objective be achieved through statutory guidance?¹¹

ii) Influencing officials

As a rule, civil servants are 'generalists'. They are highly trained in civil service processes but change portfolios regularly. As a result, they may not have a detailed knowledge of issues for disabled children beyond the particular policy area they are involved in. Consequently, if you are able to offer practical recommendations that reflect your expertise in issues for disabled children, they will be happy to work with you to shape policy. Many will accept a challenge from campaign groups, as they understand your agenda, as long as you keep them informed and don't engineer situations that embarrass them.

Senior officials

The civil service continues to operate under a strict hierarchy, with different grades reflecting the different levels of seniority of various officials. 'Senior officials' roughly means civil servants at Grade 5 or above – Directors or Assistant Directors. They are likely to have relatively broad policy portfolios and will not have the capacity to engage deeply in your issues. However, they will be alert to the signs of any major problems in the relationship between their government department and stakeholders, and are likely to play a key role in Ministerial briefing. It is therefore worth investing time in building relationships with senior officials, while accepting that they are unlikely to be in regular contact with you or your organisation.

¹¹ There is a lot of confusion about the concept of 'statutory guidance'. All this means is that the guidance is issued under a particular section of a particular Act, which will specify which bodies have to 'have regard' or 'act under' the guidance. Clear breaches of statutory guidance can be remedied in the High Court through judicial review. Most statutory guidance in our area is issued under section 7 of the Local Authorities Social Services Act 1970. However, there are many other examples of statutory guidance issued under different legislation, for instance the SEN Code of Practice, the Mental Health Act Code of Practice and the Mental Capacity Act Code of Practice.

Mid-ranking officials

By 'mid-ranking officials', we mean Grades 6 and 7 - Deputy Directors, Assistant Directors, Team Leaders, Policy Managers. Positive relationships with officials at this level are critical for any organisation – these officials will have day-to-day policy responsibility for your area and will often control key funding streams. They are likely to be busy but keen to learn and will respond best to specific conversations and briefings on areas where you can add direct knowledge and possible policy solutions. Bear in mind though that all officials are busy, some impossibly so, and you shouldn't bother them if you have nothing to say. Most departments are already understaffed and in the current financial climate that situation is only going to get worse, so be considerate of the pressures facing whoever you are trying to influence.

Junior officials

Junior officials are graded as Higher Executive Officers and Senior Executive Officers. These grades include 'Fast Stream' graduates who are expected to quickly rise to Grade 7 and above. Junior officials will be responsible for the fine details of policy (and potentially legislation) and are well worth building a relationship with to ensure that the detail of policy reflects your interests. They are also often grateful for external expertise, particularly if offered subtly. Given the hierarchical nature of the civil service, it may be appropriate for officer-level staff of your organisation to engage with this level of the civil service, while more senior managers engage at Grade 7 or above. This is why you *need* your Chief Executive or Chair to be sufficiently informed to be able to effectively advocate for your organisation, because some of the most senior officials may be offended by an approach from anyone lower down in the organisation.

iii) Influencing representative bodies (LGA, NHS Confederation, Unions etc)

In every sector, there will be a network of organisations seeking to influence the development of government policy. Many of the larger players in any policy network are themselves susceptible to influencing, including umbrella representative bodies such as the Local Government Association (LGA) and the NHS Confederation, who can usefully reflect the views of their members and in turn send messages down to localities. Equally, the relevant unions (NUT, Unison) and the Royal Colleges (GPs, Paediatrics and Child Health) can both support national influencing and disseminate messages to their members.

You are likely to meet representatives of these organisations at conferences, seminars and events. Build on these opportunities, or if your paths don't cross, consider writing to the Chief Executive of a body you want to build links with and ask to meet them and/or one of their senior staff. Work out how your issue fits with their agenda; as an example, what is the relevant Royal College saying about whether therapy should be delivered by qualified therapists or whether therapists should play more of a consultancy role? If possible, you will want bodies like this onside (particularly the LGA for education and social care issues) before undertaking any major influencing activity focused on central government.

iv) Influencing the sector

It is important to bear in mind that not all sector organisations are equal in terms of their ability to influence politics and policy. You need to make an honest appraisal of which organisations may be better placed than you to achieve the change you are looking for, and whether you can influence the agenda of those organisations and/or persuade them to work with you directly on influencing activity.

Some sector organisations are specifically structured to allow members to influence their agenda, not least the Special Educational Consortium (SEC). In consortia such as SEC it is important that your particular issues get sufficient priority without alienating the rest of the sector. Have your case clearly set out and try to explain why this issue matters to the widest possible group of children and families. Make sure your representative on the consortium is sufficiently senior to be credible but not so senior that they are out of touch with the detail of the issues being discussed. Also, if you are going to work outside a consortium in an area where that consortium is also engaged, ensure you inform all the relevant people.

4. Influencing elections

The months leading up to a general election can be a time of great opportunity for campaigners. Ministers and Shadow Ministers will be looking for platforms to make public statements that demonstrate their party's commitment to issues of importance to the electorate. MPs will be more responsive to the requests of their constituents than usual. Your supporters are likely to be more politically engaged and responsive to requests for supporter actions. However, a heightened political environment brings inherent risks. It is rarely beneficial to be seen as prompting a public debate that embarrasses a particular political party. By doing this you will reduce the likelihood of gaining cross-party support in future. You must also be very careful not to break charity law and/or election law (see below).

Charity law

If your organisation has charitable status it will be subject to charity law governing conduct during general elections.

National Council for Voluntary Organisations (NCVO) guidance states:

*'Voluntary organisations are not free to act entirely as they please during a General Election. They must have regard to the Representation of Peoples Act 1983 and in particular section 75 of the Act. Charities must also operate within the Charity Commission guidelines on political activity and campaigning.'*¹²

Section 75 of the Representation of Peoples Act 1983 specifies that

'no expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any persons other than the candidate at an election, his election agent and persons authorised in writing by the election agent and persons: of holding public meetings or organising any public display; or of issuing advertisements, circulars or publications or of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging other candidates.'

Finally, the Charity Commission guidance tells us that *'The guiding principle of charity law in terms of elections is that charities should be, and be seen to be, independent from party politics'*.

This means that charities cannot openly state that they endorse a party or candidate. However, it does not preclude you from creating a platform at which candidates can speak; although you should do so even-handedly, either by having a number of candidates at a single event or by holding a series of events covering all the parties. As previously mentioned, all candidates will be looking for opportunities to make public statements and will be more responsive to the requests of their constituents. Also, supporters will be more politically engaged than usual.

It is useful to prepare for the campaigning period by anticipating any events you might want to hold, preparing materials that your supporters can use to campaign locally and putting together a programme of targeted supporter and campaign actions aimed at the political parties you have chosen to target. The decision to call an election is a political one, and although it is usually possible to estimate the time at which it will be called, it is useful to be prepared as far in advance as possible.

¹² NCVO Website, Voluntary organisations and electoral law – campaigning during a general election
<http://www.ncvo-vol.org.uk/regulation-legislation>

‘Purdah’

The period of time from the announcement of an election and the announcement of the results is known informally as ‘purdah’. This term is culturally problematic, but it is still widely used by civil servants and the media. ‘Purdah’ lasts for roughly six weeks and the government is not allowed to make any influential or controversial announcements during this time.

Central Office of Information guidance on ‘purdah’ states *‘the basic principle is that any activity which could call into question their [civil servants] political impartiality or could give rise to the criticism that public resources are being used for Party political purposes is suspended for this time. However, this does not mean that the business of government ceases. Enquiries made to public bodies will still be answered, although there may be some reprioritisation and extra checks made at this time. Certain activities, such as advertising and research may be curtailed as appropriate.’*¹³

As a result, civil servants will be limited in the work they can do with you during elections. Activity with the current government should be limited – e.g. it is inadvisable to arrange an event that requires the government to respond to recommendations.

Party manifestos

Political parties use manifestos to communicate their values and policy direction to the electorate. Although on the surface the statements within manifestos seem like warm words without substance, they should be the key to driving policy-making for the next government.

Prior to the 2005 general election, the consortium of disability charities which ultimately set up EDCM – Contact a Family, Council for Disabled Children, Mencap and the Special Educational Consortium – lobbied for manifesto commitments that were specific and targeted for disabled children. Within the Labour Party Manifesto 2005 they achieved this statement: *‘We will also ensure that services are designed to meet the additional needs of disabled children and their families.’*

As a result, they were able to request meetings with Ministers and officials in relevant government departments after the election to discuss how they would be meeting the additional needs of disabled children. As the statement was so broad, it was possible to make an argument about whether the government department’s proposals were adequate.

There is currently very little appetite within political parties to make broad statements of any nature. You are more likely to be asked to create recommendations for announcements of specific pieces of policy that fit in with party priorities. While this is an excellent opportunity to get your policy recommendations taken up by a party, it is less of an opportunity to lobby for overall improvement to services.

As before, a consortium of charities working together may carry more influence than individuals. Agreeing a statement, such as the one above, with other organisations in the sector and asking them to include these words in their own manifesto ‘asks’ may be helpful. As the Labour Party made this broad commitment in the 2005, a precedent has been set and the expectations of disabled children, their families and the sector have been raised. This message can be used to inform lobbying and media work during the run up to the campaigning period. However, bear in mind the issue flagged above – that in difficult economic times, parties may be more reluctant to make broad policy commitments. This is worth exploring with the parties on an issue-by-issue basis.

¹³ Central Office of Information website - <http://www.coi.gov.uk/aboutcoi.php?cat=2>

Influencing manifestos and policy handbooks

Political parties set out their priorities in a manifesto which is backed up by dedicated proposals in the policy handbook, so influencing for both can be run concurrently. The main steps to take in influencing party manifestos and policy handbooks are:

- Identify and meet with manifesto leads for the political parties you wish to target – e.g. for 2010, Oliver Letwin was the Conservative manifesto lead, Ed Miliband led the Labour manifesto and Danny Alexander was lead for the Liberal Democrats.
- Identify and meet with think tanks that are influential in developing new party policy.
- Submit briefings to follow up these meetings – with specific policy suggestions, tailored to the party's policy agenda.
- Continue to offer support in developing policy and to formally lobby for a broad, top line commitment within the manifesto itself – e.g. 'We will meet the additional needs of disabled children and their families.'
- Think hard before developing your own 'manifesto' – at every election there are always hundreds of issue-specific manifestos produced and only a minority get any coverage or have any real influence. If you are going to do a manifesto, make sure the process is led by your interest group.

Party policy handbooks

Political parties use policy handbooks to ensure that candidates communicate consistent messages during the campaigning period. These policy handbooks are comprehensive documents that underpin the party manifestos and summarise flagship policies in key areas such as crime, health, families, the economy etc. They also put forward the argument for why one party's policies would be better for the country than any other, so they often contain information on what they might deem as the 'failure' or the 'lies' of another party. As it is against parliamentary etiquette to openly accuse another party of lying, the policy handbook is not a public document and is used for briefing purposes only.

Campaigning organisations are unlikely to see the final version of this handbook. However, by supplying briefings that present practical policy commitments the party might make, in the context of what has worked so far and in the language of that party, it may be possible to gain commitments in advance for policies the next government will implement.

Targeting political parties

Many organisations will choose to target the three main political parties – Labour, Conservative and Liberal Democrats – for lobbying activities in the lead up to the elections. However, it is worth considering whether a credible smaller party, such as the Green Party, is likely to be a natural ally. Further, failure to engage proactively with the smaller parties can mean that you have to expend more resources later dealing with complaints from party officials or representatives that you are ignoring them. Although the potential for such parties to bring about changes to legislation or government policy can be limited, during elections they will be publicly campaigning, will invest in party political broadcasts and may make policy statements about areas that you are concerned with. Be very cautious about engaging parties without thorough research though – smaller parties are often single - issue focused and can be less credible.

When working with any political party it is important to fully understand their philosophy and the extent to which your recommendations or asks can be tailored to reflect their policy priorities. While it will not be advantageous to change your stance on key issues, it should always be possible to find points of agreement that will act as a start point for negotiations.

New Ministers

After an election there will be a period during which Ministerial and departmental responsibilities are decided. It is important to strike a balance between welcoming new appointments in a timely fashion and wasting an opportunity by communicating with Ministers before their remit has been confirmed.

For further information:

- The Charity Commission Guidance: <http://www.charity-commission.gov.uk/publications/cc9.asp>
- NCVO: Voluntary organisations and electoral law – campaigning during a general election
<http://www.ncvo-vol.org.uk/regulation-legislation>
- Charity Commission: <http://www.charitycommission.gov.uk/supportingcharities/elect.asp>
- Electoral Commission: <http://www.electoralcommission.org.uk>
- Central Office of Information: FAQs <http://www.coi.gov.uk/aboutcoi.php?cat=2>

5. Running a public campaign

Deciding whether ‘a campaign’ is needed

There are as many different definitions of a campaign as campaigners. For the purposes of this guide, we are defining a campaign as a project, limited in duration, aimed at achieving one or more defined objectives using influence from supporters. Thus, EDCM is a campaign, because it is a project of the partner organisations that will run for a limited period and uses supporter pressure to generally raise awareness of disabled children’s issues within the political agenda in order to achieve specified aims.

Most organisations that engage in influencing activity do not need to establish a campaign to do so. In larger organisations, this activity simply forms part of their overall work programme, led by a senior manager with specific responsibility for this area. Some organisations will set up a specific branded campaign to focus on a particular issue for a particular period (see for example Scope’s *Time to Get Equal* campaign on disabled people’s human rights). Often organisations come together to campaign on a specific issue while it is relevant, an example being the Making Decisions Alliance which came together to campaign on what became the Mental Capacity Act 2005.

Therefore, the decision about whether to run a campaign needs to be considered carefully. Some questions it might be helpful to ask include:

1. Do we know what we want our campaign to achieve (see ‘*Setting clear objectives*’ below) and have these objectives really come from your interest group? Where is the evidence base that your interest group really want, and need, what we are asking for?
2. Is someone else already running a campaign on this issue? If so, can we work with that campaign rather than setting up in competition?
3. Can we achieve our objectives and outcomes without campaigning? Is behind-the-scenes activity likely to do the job on its own, or could we just get our supporters writing to MPs etc without establishing a new campaign?
4. Do we have the resources to campaign properly? Are there sufficient staff to handle supporter queries? Can we afford e-campaigning software like Advocacy Online to help make it easy for our supporters to lobby key decision makers?
5. Should we be campaigning on our own or in consortia with others (see ‘*Getting the right structure*’ below)?

Getting the right structure

Once a decision is made that an organisation wants to launch a campaign, a secondary key issue is whether to campaign alone or in consortia with others. Some of the most effective recent campaigns (e.g. the Making Decisions Alliance) have been run in consortia. This approach maximises supporter numbers and available financial resources and presents a united front to government. However, alongside these obvious benefits, the cost of consortia campaigning is that it can take longer to get decisions made and that agreeing common objectives and outcomes can be a struggle. Generally, the benefits of campaigning in consortia outweigh the drawbacks; however, this is only true if the consortia has a coherent structure, with clear decision-making responsibility held by a handful of senior individuals. For instance, the Campaign to End Child Poverty operated with a relatively large Board but has a small number of Honorary Officers, including a Chair, who support and guide the work of the Campaign Director. This structure allows for input from a wide range of organisations but still allows for speedy responses to opportunities that quickly arise.

Setting clear objectives

The fundamental reason why many campaigns do not succeed is because they have failed to properly specify their objectives and outcomes. In fact, without clear objectives and outcomes it is simply impossible to know *whether* a campaign has succeeded. Setting targeted outcomes and objectives for a specified time period allows progress towards these objectives to be monitored through a set of annual impact measures and monthly reporting. Attention can then be focused on the areas where progress is slower or non-existent. This level of planning is vital so a campaign can demonstrate impact, both to supporters and funders.

Developing a work plan

Clear outcomes, objectives and impact measures will achieve nothing unless they are backed by a realistic and deliverable work plan. It is also essential to plan for the long term, as change through campaigning can take many years in coming. As an example, in 2008, after years of tireless campaigning, The Children's Society's *Safe and Sound* campaign achieved a breakthrough. This resulted in the Government launching the *Young Runaways Action Plan* which outlined ways in which local authorities, the police and voluntary agencies could work together to keep young runaways safe. The Government's new commitments also included a commission for The Children's Society to review the emergency accommodation available to young runaways.

The Children's Society's work in this area began by operating outside the law, when it set up a Safe House for children who ran away in Leeds. At this time it was not legal to accommodate a child in these circumstances without parental permission. These actions led to s.51 Children Act 1989 which allowed for the legal establishment of refuges. Another example is campaigning on short breaks: Lord Rix prepared a Bill on the right to short breaks in the mid 1990s, Ed Balls MP introduced a Private Members Bill in 2006 and an amendment was finally secured in the Children and Young Persons Act 2008.¹⁴

Supporter engagement

Successful supporter engagement requires varied communication and engagement methods. Supporter workshops to engage face-to-face with your most active campaigning supporters can be extremely effective but at most this only reached about 5% of EDCM's supporter base. Fortunately, many supporters are now comfortable communicating online, but of course there is not universal internet access. Thought must be given to how supporters can communicate with the campaign in other ways – for instance, making sure there is always an offline option such as a template letter that supporters can request if the campaign is running an online action targeting a particular set of decision makers.

¹⁴ A similarly lengthy campaign took place to change the law on mental capacity, with the Law Commission first drafting a Bill in 1989 and Parliament finally passing the Mental Capacity Act in 2005 following intense lobbying from the Making Decisions Alliance.

6. Conclusion

We hope that this guide has served its intended purpose – providing both an introduction to influencing and offering some principles and practical tips for successful influencing.

Opportunities to influence are valuable and should not be taken for granted or approached without care. If you use your influencing opportunities to give your interest group a platform and target the right decision makers with positive and clear ‘asks’, you can be confident that you will make progress.

However, achieving policy and legislative change takes time and organisations must be prepared to commit for the long term. A recent report from New Philanthropy Capital¹⁵ shows the value of social advocacy and campaigning by charities and urges donors and funders to target resources to this work. To make the most of the opportunity this offers, we need to make sure our organisations are ready to influence, and that key staff and trustees have the skills and competencies needed to ‘campaign’ in the widest sense. We hope this guide plays a part in that process.

Influencing and campaigning is a relatively new and constantly evolving area of work for many charities. We think there are few, if any, ‘right answers’ in this area; we do believe though that there are some key principles which need to be followed to increase the chances of success and to make sure that your organisation is a legitimate voice for the group you represent. It is these principles we have sought to set out in this guide, alongside some practical tips from our experience and that of the many committed and inspirational individuals and organisations we work with.

We would welcome views and comments on everything contained in this guide. We would also greatly appreciate case studies (short or long) on successful influencing activity from colleagues in the disabled children’s sector, or indeed the wider voluntary sector. If you have anything you want to send us, please contact Laura Courtney at laura@edcm.org.uk.

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¹⁵ Critical Masses: Social campaigning, a guide for donors and funders, December 2008, available at http://www.philanthropycapital.org/publications/improving_the_sector/improving_charities/campaigning.aspx

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