

Mr Arthur Torrington

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By e-mail:
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13 FEBRUARY 2012

Dear Mr Torrington

Your Complaint - DCLG Handling of Requests for Funding for Abolition of Slavery Day, 23rd August.

I am in receipt of your e-mails and attachments of 27 November and 14 December 2011.... I apologise that it has taken some time to get back to you on this, but it has taken some research to be able to answer your points fully.

In your e-mail of 27 November, you set out three main points of complaint:

- A claim of discrimination on the part of the Department in terms of its "unfavourable treatment" (of the Abolition of Slavery Day), and the refusal to state why this cause receives no funding (by comparison with the Holocaust Memorial Day Trust)
- Allegation of poor service received from officials in the Department with regard to assistance sought to further your case for funding, particularly from the lottery funds (including the fact that one of our members of staff failed to deliver on his "promise")
- Lack of good judgement on the part of DCLG in advising African/Caribbean organisations to apply for Lottery funding, not having made prior arrangements with the HLF or BIG to fund August 23.

I have considered your correspondence and the background to this case, including correspondence between yourself and Matthew West and others in the Department, and I have come to the following conclusions in respect of each of your points.

Discrimination – the “Unfavourable Treatment” of the Abolition of Slavery Day

Department for Communities and Local Government does not as a matter of policy favour one cause over another. There are a large number of causes that the Department could consider funding. The background to the annual funding of the Holocaust Memorial Day Trust by this Department is that this was a matter on which Parliament felt strongly some years ago and previous Ministers acceded to the wishes of Parliament. From 2001 to 2005 the Home Office ran HMD directly but in 2005 the Government handed responsibility for the Day to the Holocaust Memorial Day Trust (HMDT), an independent charitable organisation which was set up specifically for the purpose with HM the Queen as its Patron. At that time responsibility for sponsoring/ funding the Trust was passed over to DCLG. The day to day activity of the Trust is managed by the Chief Executive and work is overseen by a board of Trustees.

I should re-emphasise that Holocaust Memorial Day is about commemorating *all* the communities who suffered as a result of Nazi persecution and the Holocaust and subsequent genocides, and demonstrating that the Holocaust is relevant to everyone in the UK today. The day provides a focus – through national and local events – for people to think about the continuing repercussions of the Holocaust and more recent genocides (in Cambodia, Rwanda, Kosovo and Darfur) on our society, and for education about the dangers of racism and all forms of discrimination. While the name implies a focus on the genocide of European Jewry during the Second World War, it is not confined to commemorating that sole genocide but also the other genocides that took place during that conflict and many other genocides that have taken place since.

The view taken by the Department is that it is impossible – and invidious and potentially divisive – to compare different commemorations. There are a number of other commemorations which are not funded, particularly of genocides which occurred before the term was coined – and hence are not commemorated by HMD – including the Boer War, the massacre of Armenians by the Turks and the millions of victims of Stalin’s purges in the Soviet Union. It would be financially and physically impossible for the Department to fund all the causes that are put forward for funding. It is also worth recording here that the Department allocated over £14 million of funding for events and permanent exhibitions on Slavery Abolition during the 2007 bicentenary of the Abolition of the Slave Trade Act as well as agreeing with HLF and BIG that they would take into consideration applications relating to the slave trade and heritage or community.

Poor Service received from DCLG Officials

I have examined the correspondence between yourself and various officials working at one time or another in the Equalities and Integration teams in the Department and also between those officials and officials at the Heritage Lottery Fund (HLF) and the Big Lottery Fund (BIG). From this, I consider that, as far as was in their power, they genuinely did try to answer your queries courteously and helpfully, and they did attempt to do all in their power to assist you with putting a strong case for Lottery funding for the Abolition of Slavery Day and associated events with those two Funds. Indeed events celebrating the Day succeeded in attracting Big Lottery funding under the 'Awards for All' ('A4A') programme in 2007; however, the publicity around this programme makes clear that it specifically excludes funding for repeat or regular events, including those that have been previously funded, unless it is more than 3 years since those activities took place. The Windrush Foundation was also successful in obtaining a grant for £8700 under A4A in September 2010 for the project 'Motivating and Inspiring Local People to Build Stronger Communities'.

As to the ability of officials to secure or assist in securing Departmental funding for the Abolition day and associated events, the issue of which causes and events the Department opts to give funding to is ultimately the responsibility of Ministers and the role of officials in the Department is to support Ministers in carrying through the decisions that they make. Officials were therefore not in a position to make departmental funding available for this commemoration and these events, and they did all they could to make that clear to you.

Lack of Good Judgement in Advising African/Caribbean Organisations to apply for Lottery Funding

From my reading of the correspondence, I am content that officials were concerned to offer you the best practicable route for obtaining funding to support the Abolition of Slavery Day and events associated with that. They took the view that the HLF and BIG offered the best and most appropriate means of your obtaining the funding you required to support the Day and associated events. The Departmental Press Release of 13 December 2007 stated "in the coming years groups looking to mark the 23 August will be able to apply to the Heritage Lottery Fund for support. They will also be able to apply to the Big Lottery Fund and Arts Council England". I acknowledge that the 2007 Press Release may have been misleading if it gave the unintended impression that HLF and BIG would be able to dedicate funding for events commemorating this day in future years or the Department would support your and your Foundation' case for lottery funding. The Department's position was, instead, that it would support the setting up of workshops to help you and related organisations to formulate a successful bid and this initiative was announced by Andrew Stunell at the 2010 event at the Liverpool International Slavery Museum,

also accompanied by a Press Release, to the effect that these would take place in the autumn of that year.

In the event, DCLG officials did work with officials from HLF and BIG to develop proposals, including a proposed agenda, for workshops to be held later. I am informed that these would have been put on by the Lottery funds, not by DCLG itself, although DCLG would have had a clear involvement. For reasons that are not altogether clear to me, the workshops were not forthcoming (“put on hold”), without, apparently, any explanation to yourself or your foundation as to why this was or what had happened. I regard this as a valid aspect of your complaint about the Department’s approach. Once a Minister had publicly promised the workshops, the Department was in my view under a moral obligation to see them through, or at least to explain in some detail to Mr Torrington and associated BAME organisations why it apparently resiled from that undertaking.

That criticism apart, I consider it is the case that officials were genuinely trying to be as helpful as possible to you and the Windrush Foundation. Officials did go to some lengths to assist you in refining your application for funding from the Lottery funds in order to make the best possible case for your cause and gain you the best possible chance of being successful in your bid for funding. They also opened up for you a channel of communication with officials at HLF and BIG and I understand that you have corresponded and held meetings with officials at those two funds. It is nonetheless the case that, while they advised you to approach HLF and BIG for funding and assisted you in redrafting your application to enhance your case for funding as what they saw was your most likely route for obtaining support for events surrounding the Abolition Day, there was no way that they could guarantee that any bid you made to the two Funds would be successful and I consider that it was only right that that should have been made crystal clear to you. Indeed, M... e-mailed you on 8 July 2011 to the effect that the Lottery Funding bodies would continue to fund events relating to slavery and the slave trade but that ultimately any application had to meet all their criteria and beat other good applications - Lottery Funding had seen an increase in applications over the previous couple of years so there was tough competition.

HLF and BIG allocate funding according to their own sets of criteria and are responsible for meeting the rules laid down for them. They are completely independent of central Government departments and the Department is not in a position in any sense to dictate or influence how they should allocate their funding between competing bids. Apart from perhaps not explaining this relationship clearly, I am satisfied that from this point of view, far from showing a lack of judgement, officials went out of their way to be helpful to you.

Conclusion

I am satisfied, therefore, that generally officials in DCLG did as much as they reasonably could to assist you in your bid for funding to support the Abolition of Slavery Day and the associated events. They have to work within the policies and wishes of Ministers, so their hands are effectively tied in how far they go in being able to support different causes and what undertakings they are in a position to make. Ultimately they do not have the responsibility or powers to decide which events and commemorations should be funded. However, the workshops which were to be set up by HLF and BIG, with the involvement of DCLG with the intention of assisting BAME organisations including the Windrush Foundation, to compete successfully for Lottery Funding, once announced publicly by a Minister, should have been carried forward, or at least some explanation provided to you why these were no longer going to take place, and in my view this is a justifiable aspect of your complaint.

That said, however, decisions on which causes the Department funds out of its budget are ultimately down to Ministers and the will of Parliament; and it is also the case that the HLF and BIG have their own sets of rules and criteria by which they have to abide for allocating funding to causes, activities and events out of the funds at their disposal and that they have ultimately to account for how they allocate those funds. Departmental officials are therefore unavoidably restricted by these considerations in their scope for acceding to your requests for funding.

I am sorry I am not able, in my role as Complaints Overseer, to be more helpful or supportive in relation to your complaint.....