
Volunteering England briefing **Borders, Immigration and Citizenship Bill** **March 2009**

Background to the Bill

In July 2008 the Government published the draft of a new Borders, Immigration and Citizenship Bill that will introduce a series of reforms to Britain's immigration system, including changes to the application process for British citizenship. One significant change for the volunteering sector would be the option for applicants to speed up¹ their application for full citizenship/permanent residence by submitting evidence of *active citizenship* activities that they have voluntarily undertaken, such as volunteering or community participation.

The Government initially outlined these proposals in the Home Office's *Path to Citizenship* Green Paper in 2008, saying:

"We want to do more to encourage all migrants who wish to stay in the UK permanently to integrate fully into society, including bringing probationary citizens in greater contact with the wider community, showing current British citizens that those seeking to join them as British citizens are earning citizenship by being active rather than passive participants in UK life, and seeking to encourage those who become British citizens to carry on contributing to UK society in a positive way by opening them up to new experiences, which could become life long roles."

Following our response to that Green Paper², Volunteering England was invited to join the UK Border Agency's Active Citizenship Design Group and advise civil servants on how the proposals could affect the volunteering sector. The group's discussions are ongoing.

The Lords began debating the Borders, Immigration and Citizenship Bill in February 2009 and it is expected to pass to the House of Commons after the Easter recess. The Bill does not describe how the *active citizenship* proposals would work in detail, but clause 41 allows for the creation of an "activity condition" which will be clarified in subsequent legislation³. Volunteering England has briefed some members of the House of Lords about the *active citizenship* proposals, and intends to also support MPs in considering the proposals.

Volunteering England's position on the Borders, Immigration and Citizenship Bill

Since the proposal for an "*active citizenship*" element within the Bill was proposed by the Home Office, Volunteering England has been engaged in discussions with all relevant stakeholders to ensure that any incorporation of volunteering is the best it can be for the volunteering sector.

Volunteering England is not opposed in principle, to any activity that promotes volunteering or increases opportunity. We believe strongly that volunteering is a useful way of building stronger, more sustainable communities. At this stage in the Government's policy development, we see our role as being best performed by working with all interested parties to help deliver a model that best works for the applicant, referee, host organisation and the volunteering sector as a whole. Therefore, it is the purpose of Volunteering England, as the national development and membership charity for volunteering, to lobby and argue for the best possible model if the *active citizenship* scheme is adopted.

¹ The application time would be accelerated by two years (eg: 6 years instead of 8 years for an economic migrant or refugee seeking full citizenship, 3 years instead of 5 years for a relative of a current citizen).

² VE response, May 2008 <http://www.volunteering.org.uk/NR/rdonlyres/79AC8650-543A-430D-ACBE-5D3617FA4793/0/PathtoCitizenshipconsultationVolunteeringEnglandresponse.pdf>

³ The Bill on the Houses of Parliament website <http://services.parliament.uk/bills/2008-09/borderscitizenshipandimmigration.html>

Key issues

The *active citizenship* proposals could introduce the UK's first ever national scheme where the state directly rewards people for volunteering. Under current plans, it might be operational from March 2010 and potentially have a great impact on communities and existing volunteers, as well as future volunteers.

To ensure that the practical elements of the scheme are workable and best serve the interests of the volunteering sector, Volunteering England has identified the following key issues:

Raising national awareness of the scheme

- We anticipate that local and national organisations which provide support and advice to volunteering or community groups could be faced with an unexpected burden of explaining the scheme to applicants and host organisations. In particular, this could affect local Volunteer Centres and Councils for Voluntary Service, and national bodies such as Volunteering England, NCVO, NAVCA, v and the Charity Commission.
- We urge the Government to address these cost and resource issues for the volunteering sector in advance, by publicising the scheme well in advance and identifying potential funding sources.

A clear definition of “*active citizenship*”

- The government must produce clear guidance for applicants, host organisations and referees.
- It must also train staff of local authorities, the Nationality Checking Service or UK Border Agency involved in verifying activities.
- It is essential that this scheme does not replicate previous and continuing confusion surrounding volunteering and state benefits rules, where Jobcentre Plus staff do not always understand Department for Work and Pensions rules or apply them consistently.

Maintaining the value of volunteering and community activities

- The proposed scheme is not mandatory, but it offers a strong and explicit incentive to volunteer.
- It is recognised that people have a multitude of motivations for volunteering and that volunteer-involving organisations currently use a range of subtle ways to reward, encourage or “incentivise” volunteering.
- The final scheme and related publicity/guidance must emphasise the value of volunteering or community activities and the freedom of choice of the individual.

Costs

- Although it is recommended as good practice, many organisations do not have financial resources to reimburse volunteer expenses, such as travel or childcare costs incurred as a result of volunteering. We are concerned that applicants will be financially disadvantaged or be restricted in their choice of activities if organisations are not well resourced enough to meet these expenses.
- The scheme could place additional burdens on host organisations to provide support, supervision and training for new volunteers which they may not always have the time or resources to absorb⁴, as well as spend time completing paperwork for the citizenship application.

⁴ “Management Matters: a national survey of volunteer management capacity”, Institute for Volunteering Research, 2008, indicates that a third of surveyed volunteer-involving organisations may not actually have the capacity, resources or desire to accept new volunteers.

The UK Border Agency's Active Citizenship Design Group

The UK Border Agency's Active Citizenship Design Group includes representatives from CSV, v, Timebank, Local Authorities Coordinators of Regulatory Services (LACORS), the Advisory Board on Naturalisation and Integration (ABNI), the Office of the Third Sector, and the Department for Communities and Local Government.

The group advises Home Office civil servants about practical issues in order to highlight how the proposals might affect potential volunteers, current volunteers, volunteer-involving organisations, infrastructure bodies or other stakeholders.

Summary of key issues raised in the Active Citizenship Design Group, with reference to the main people and organisations involved in the 'active citizenship' proposals.

The Applicant (also referred to as the 'migrant' in the Home Office proposals)

People applying for British citizenship or permanent residence will be invited to submit evidence of having completed *active citizenship* activities as part of their application. Applicants will be expected to find their own activities and submit evidence signed by a representative of the group or organisation they have helped. The Home Office is considering whether to set a minimum commitment, such as 50 or 100 hours completed over a period of time.

Volunteering England has raised a number of concerns –

- **Finding opportunities**

Applicants may not know where to look for volunteering opportunities in their area.

- Local pressures: It is difficult to anticipate whether places such as town halls, community centres and Volunteer Centres will get an increase in enquiries about places to volunteer and could face difficulties dealing with increased interest. According to Home Office figures, there were 160,980 applications for British citizenship in 2007.
- National pressures: There are also concerns that national UKBA call centres would be unprepared to advise about *active citizenship* issues and risk providing inconsistent advice.

- **Understanding the criteria:**

Applicants who come from abroad may be used to very different cultures of volunteering, particularly in countries with less established state health and education systems. A clear definition of *active citizenship* will help to ensure that applicants do not waste time looking for the wrong activities or even undertake an unsuitable activity without realising until it is submitted for verification.

- **Risk of devaluing volunteering**

Active citizenship activities should be meaningful and enjoyable to present a good image of community participation in the UK and not imply that volunteering is purely a means to an end. If activities do not serve a community need or if the verification arrangements are too simplified, the process could become a "tick-box exercise" and provide the applicant with little benefit

- **Treatment of volunteers**

Applicants may not know what to expect as a volunteer in the UK; for instance they may not realise that there isn't an automatic right to receive a reference or have complaints dealt with. Or for example, applicants may not know that they should expect training and insurance for their volunteer role. The scheme guidance should address these types of issues.

- **Volunteer expenses**

Although it is recommended as good practice, many organisations do not have financial

resources to reimburse volunteer expenses, such as travel or childcare costs incurred as a result of volunteering. At present, we believe that the *active citizenship* scheme has not planned a budget or guidance for helping organisations to meet these costs, meaning that many applicants may be financially disadvantaged after volunteering.

- **Time constraints**

Plans to include prescribed time commitments could imply that the value of activities is directly linked to the time involved, rather than focusing on other benefits for the community, for organisations and applicants. Moreover, the setting of minimum time requirements could act as a barrier to people who already have numerous other personal and work commitments. Any quotas should be carefully designed to bear these issues in mind.

The Host Organisation

The introduction of these new measures will see significant impact on volunteer involving organisations (VIOs). It is proposed that these organisations will sign-off confirmation of the completed activity. For smaller organisations, who may be expected to provide evidence to prove their credibility, this extra administration could become particularly burdensome. With few resources smaller organisations, some of which will deliver the biggest local benefit, could opt out of the scheme.

Volunteering England has raised a number of concerns –

- **Pressure to create volunteer roles ‘on demand’:**

If the national scheme prescribed a minimum number of completed volunteering hours, organisations could feel pressurised to create time-specific volunteer opportunities to meet the needs of applicants rather than communities.

- **Promoting a broad range of activities:**

There is a risk that government guidance or case studies produced to promote the scheme could disproportionately highlight some types of volunteering activity/organisation over others. Communications plans should be carefully planned to avoid an unmanageable influx of volunteers in certain activities, whilst potentially sidelining other volunteer roles.

- **Supporting applicants with additional needs**

Some applicants may require additional support to volunteer, for example for lower levels of English literacy, disabilities or mental health issues, and we are concerned that existing ‘supported volunteering schemes’ may not cope with increased demand for support.

- **Legal issues:**

To reduce the risk of falling under UK employment laws, organisations should avoid giving overly prescriptive time commitments or tasks to volunteers. A national scheme which encourages prescriptive time commitments could set a confusing example to organisations. We are concerned that some potential host organisations would waste money seeking legal advice or reassurance about the scheme. Equally, the administration and potential legal responsibilities could put off smaller organisations

- **Vetting and CRB Disclosures**

From Summer 2010 the new Vetting and Barring Scheme will be live and administered by the Independent Safeguarding Authority (ISA). From this point, new employees or volunteers who intend to regularly work directly with children or vulnerable adults must join the ISA’s registration scheme. Applications for the scheme will be processed in a similar way to current applications for Criminal Records Bureau Disclosures.

- **Difficulty for individuals to access checks**

At present, it is recognised that certain groups, such as refugees, asylum

seekers and young people, find it difficult to apply for CRB Disclosures because of a lack of necessary identity documentation. We suggest that this issue needs to be addressed before the *active citizenship* scheme is introduced.

- **Difficulties of checking someone's record before their period of residence in the UK**

A CRB Disclosure only provides information about someone's criminal record in this country, so there would not be a straightforward way for host organisations to assess risk factors related to the time that an applicant has spent living elsewhere. We suggest that the government needs to publish official guidance on this issue, to ensure that host organisations are confident about taking on applicants from overseas to undertake *active citizenship* with children or vulnerable client groups

The Referee

It is proposed that a referee should be selected from within the host organisation. This referee will sign the document that confirms the applicant's activity before the form is sent to a branch of the Nationality Checking Service (NCS) for verification.

Volunteering England has highlighted some important factors –

- **Potential penalties:**

Ministers intend that applicants and referees would be subject to a fine or prison sentence for knowingly making or supporting false statements about *active citizenship*. (This would mirror the penalties in the current application process for citizenship, which requires applicants to submit details of two referees who have known the applicant personally for three years.) We are concerned that if people cannot easily tell what would/would not be a suitable *active citizenship* activity, they may be deterred from acting as a referee.

- **Who should act as referee?**

- **Direct knowledge of activities**

We imagine that the referee would need to have had direct interaction with the applicant to ensure confidence in signing the evidence form. Applicants would be likely to approach their direct supervisors, line managers, and volunteer co-ordinators, but this may not always be practical, especially if the referee is a regional volunteer co-ordinator and does not have regular direct contact with volunteers.

- **Authority to sign on behalf of the host organisation**

We also have concerns about the level of authority the referee would have signing this form on behalf of their organisation - we would strongly argue for a senior manager or trustee to hold this responsibility.

The role of local authorities, the Nationality Checking Service and UK Border Agency caseworkers

It is suggested that the Nationality Checking Service (NCS) will process and check all applications before their passage to caseworkers at the UK Border Agency. We understand that staff of local authorities will provide a single point of contact and may support the NCS staff to verify the existence/credibility of the host organisation.

Volunteering England has highlighted some important factors –

- **Local knowledge**

It could be questioned to what degree staff of local authorities would be aware of local

volunteer involving organisations. In many cases their knowledge would be limited to the organisations or groups which receive LA funding. Otherwise, we anticipate that local authority staff would be likely to rely on information, guidance and support from local experts like Volunteer Centres. This potential increased demand on Volunteer Centres should be monitored upon introduction of the scheme.

- **Training needs on concept of volunteering 'active citizenship'**
NCS staff would need thorough training as the volunteering sector would be a very new area of expertise. If they would be involved in judging whether completed activities met the criteria, they would need both national and localised training to make sure their decisions were consistent and reflected needs of local communities.
- **Inconsistency of verification methods and charges**
Not all local authorities have an NCS service as it is an optional service. Subsequently each LA can charge differential rates – these prices vary between £30 - £50.
- **Role of national UKBA case workers**
It is proposed that final verification of activities will take place in Local Authorities' "Nationality Checking Services" and by national UK Border Agency (UKBA) caseworkers. A clear definition and understanding of *active citizenship* is essential for quick and consistent decisions.

Potential for local authorities and statutory bodies to engage with the scheme

- On a separate note, we would encourage local authorities and others to fully engage with the scheme as potential host organisations and look at new ways to involve volunteers. It could be easy to assume that applicants will volunteer in voluntary sector groups or charities, and the potential for volunteering in other places, such as statutory or public bodies, should not be forgotten.

Measuring impact of the scheme

Although Volunteering England takes a cautious approach to the proposals at this developmental stage, we believe there are great opportunities to measure the value of volunteering through a scheme like this. It would be useful to know how often the impact will be measured and published and whether volunteer-involving organisations will be directly involved in the assessment. It is essential that any Bill coherently links to already established data and initiatives such as the national Citizenship Survey and the new localised Place Survey so that we can compare future volunteering levels with past participation and understand the impact of the *active citizenship* scheme in different areas of the country.

Further Information

Please contact our Policy and Information Team at policy@volunteeringengland.org if you would like to know more about the proposals or share your thoughts with us.

If you are a journalist or have any media questions on a volunteering issue or the work of Volunteering England please contact: 020 7520 8932 or 0845 305 6979.