

## **Strengthening Civil Society Programme**

Supporting effective use of the law and human rights-based approaches

### **Using legal action to address racial injustice in the criminal justice system**

Application guidelines – July 2021

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#### **Purpose of the Strengthening Civil Society programme**

The Strengthening Civil Society (SCS) programme supports the effective use of the law and human rights-based approaches by civil society in the UK. We see the law and human rights-based approaches as important tools for civil society. They can provide a means to directly tackle the discrimination and disadvantage faced by vulnerable individuals and communities.

There are many great examples of organisations who have used these tools effectively. However, use of the law and human rights-based approaches is far from consistent across civil society and many organisations see no link between these tools and their purpose, strategy and activities, or are wary of using them. This programme aims to boost engagement and support organisations within the sector to make better use of the law and human rights in their work.

Our primary focus is on social change activities that tackle discrimination and disadvantage. By social change we mean:

- changes in policy, regulation and law;
- changes in behaviour, attitudes and norms; and
- new ways of designing and delivering services or support for individuals.

Definitions of the law and human rights-based approaches vary, but we use these terms in a broad and practical way. A framework for different uses of the law by civil society is available [here](#).

This programme is a collaboration with the Legal Education Foundation and the Esmée Fairbairn Foundation. You can learn more about the programme [here](#).

## **Purpose of this call**

In 2021, the SCS programme will begin supporting work which uses legal action to address racial injustice in the criminal justice system and bring about wider social change.

We came to the decision to focus on the criminal justice system (CJS) after a period of consultation with activists, social change lawyers, and academics who either use legal action in their work, are involved in anti-racist work, or work on the peripheries of both.

In this call, we will fund organisations already undertaking legal action to address racial injustice in the CJS. Organisations that can demonstrate pre-existing plans for taking legal action in this space are also eligible to apply.

We will fund work which engages with all aspects of the criminal justice system: policing, courts (including the Crown Prosecution Service), prisons, and the probation service. We will also consider applications which seek to address discrimination and disadvantage arising as a result of contact with the criminal justice system.

This funding will support all types of legal action, whether that action seeks to [empower](#), [persuade](#), [challenge](#), or [use a mix of all three](#). We believe that carefully planned legal action, as part of a wider campaign, could play a critical role in addressing racial injustice in the criminal justice system and contribute to long-term social change.

Examples of the type of work we anticipate funding under this call include (but are not limited to):

- Undertaking legal research to gather evidence relating to practices in the CJS;
- Challenging governmental policy decisions and practice through Judicial Review;
- Training for people impacted by the CJS on their rights; and
- Implementation activities for wins already achieved through legal action.

We encourage collaborative working when using the law to achieve long-term social change and [have found](#) this to be a key factor for success. If you are working with other organisations, we expect you to clearly outline the approach to this collaboration and the roles each organisation will have in the work.

## **Amount and duration**

We will award grants of up to £50,000 for up to 18 months.

Grants can be used for all activities related to legal action, including staff time, supervision and overheads. It can also cover external costs (such as for external legal advice), campaigning costs, communications costs, etc. We know the approach you set out in your application may need to change and we will be as flexible as possible to support you to take the best approach towards your objectives.

## **Eligibility**

To be eligible to apply to this fund, applicants need to:

- Be an anti-racist organisation or have a history of working on anti-racism;
- Already be undertaking legal action activities to address racial injustice in the CJS or be able to demonstrate pre-existing plans for doing so;
- Be planning to undertake activities under the grant which delivers benefit in the UK (applications for international work will not be considered);
- Be a legally registered not-for-profit entity in the UK, preferably a charity;
- Have at least one full year's accounts; and
- Have an income of under £1m a year.

To ensure eligibility, the application process includes a phone call prior to the submission of a written application. Organisations that currently hold a grant from the Foundation are eligible to apply if they meet the above criteria – we will discuss this with you in your eligibility call.

## **Application process**

There is a two-stage application process for this fund.

In stage one, you need to have a discussion with us about the suitability and eligibility of your work under this call. If you are not already undertaking legal action activities to address racial injustice in the CJS but have pre-existing plans for doing so, this call will be an opportunity for you to tell us more about these plans including when they were devised, who has been involved, and the barriers you have faced in getting these plans off the ground.

You need to arrange a time to speak to us about your eligibility by Friday 3 September. Email us at [baring.foundation@ing.com](mailto:baring.foundation@ing.com) to do this.

After confirming your eligibility under this call, you will need to:

1. Complete a grant application form, which can be found [here](#).
2. Write an expression of interest, of up to 1500 words, outlining the legal action you are taking or planning to take to address racial injustice in the criminal justice system.

Your expression of interest should be factual; written in plain English, avoiding jargon and rhetoric; and should be presented under the following headings:

- **Summary** – summarise, in no more than 100 words, your project's objectives and approach.
- **Ongoing or planned legal activities** – explain how you will use legal action to address racial injustice in the criminal justice system. This should include:
  - A short overview of the racial injustice in the CJS you hope to address;
  - The legal action/s you are or will be taking;
  - what you hope it might help you achieve; and
  - whether you will collaborate with others and the approach you will take to ensure effective working.

This section should form the bulk of your expression of interest.

- **Organisation** – tell us your organisation's purpose, your current priorities and why you are the best placed to do this work.
- **People-centred** – tell us how you plan to work with and for individuals and communities experiencing racial injustice.
- **Learning** – tell us how you plan to learn from your activities and how this learning might support your work going forward; and
- **What else** – if there is anything else you would like us to know, include it in this section.

3. Referees. Please include the name and contact details of two referees who can provide a reference for your organisation's work and approach. We will be taking references via phone before our longlisting process, so please ensure your referees are aware that we will be in touch. This can be included in the same document as your expression of interest.
4. Accounts and budget – include your:
  - accounts for the last full financial year;
  - management accounts for the current financial year; and
  - budget for your activities under this grant.These can be uploaded as separate documents and are not included in the word count.
5. Include your organisation's safeguarding policy. If you do not have a safeguarding policy, please upload an explanation entitled "No safeguarding policy".

Your expression of interest (in a Word document), financial accounts, budget, and safeguarding policy should all be separate documents. You will be directed to upload these documents in the grant application form. If you encounter any issues with the online form, please email us at [baring.foundation@ing.com](mailto:baring.foundation@ing.com) and we will get back to you as soon as possible.

We may follow up written applications with a phone call if we require additional information or clarification.

We expect successful applicants to submit a monitoring report at the end of the grant period sharing their activities, learning, and expenditure. Together with our learning partners, we will seek to learn from this work and develop a better understanding of how legal action can be used to address racial injustice.

Full details of the conditions of any grant will be provided following its award.

### **Timetable**

The deadline to arrange a time to speak to us about your eligibility to apply to this fund is 12pm on Friday 3 September.

The deadline for written applications from eligible organisations is 12pm on Wednesday 22 September 2021. We hope to let all applicants know the outcome of their application by Friday 17 December 2021.

## Resources

Ahead of starting your application, you may wish to read the following supporting research:

- a paper on the [successful use of strategic litigation by the voluntary sector](#);
- an exploration of [civil society organisations deploying a range of legal tools and tactics](#) to achieve social change;
- a [framework for better use of the law](#) by civil society organisations; and
- a paper on the [value of using legal based approaches](#) (which informed the focus of our Strengthening Civil Society programme).