

**IN THE HIGH COURT OF JUSTICE  
ADMINISTRATIVE COURT  
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW**

**CO/3753/2019**

**BETWEEN**

**THE QUEEN  
(on the application of  
END VIOLENCE AGAINST WOMEN COALITION)**

**Claimant**

**- and -**

**THE DIRECTOR OF PUBLIC PROSECUTIONS**

**Defendant**

---



---

**SECOND WITNESS STATEMENT OF  
SARAH GREEN**

---



---

**Introduction**

1. I am the same Sarah Green who made a previous witness statement in this case on 19 September 2019.
2. I make this statement on behalf of EVAW and do so in support of EVAW's challenge to the change of approach by the Defendant.
3. I have been provided with the Defendant's Submission in relation to Cost Capping, and have read the submissions made at paragraphs 203 and 13-16, in which the Defendant argues that EVAW has not provided any evidence about the willingness or ability of its membership or its funders to fund this litigation. It appears to be suggested that this is a reason not to grant a Cost-Capping Order.
4. In light of this, I set out below some further detail on our governance, membership, sources of income and reasonable expectations of what we can afford to contribute towards litigation we regard as absolutely critical and in the highest level of public interest.

**EVAW's core governance and membership arrangements**

5. I first address the possibility of seeking more funding from our members.
6. The EVAW Coalition is both a limited company and a registered charity. The EVAW Coalition has more than 80 organisations affiliated to us, whom we commonly refer to as ‘members’ but who in strict legal terms are in two distinct categories: first, actual members (whom we refer to as ‘formal members’: see our Membership Criteria and Application Form at Exhibit **SG/44**). These formal members are full company members as laid out in our Memorandum and Articles of Association (which I provide as Exhibit **SG/45**), including being full voting members at the AGM, and whose representatives are able to be elected to our board as trustees); and second, supporters (whom we refer to as ‘informal members’ (again, see the Membership Criteria)), who support our aims but who explicitly are not and do not have the rights of company members, cannot vote at the AGM and cannot become trustees. To explain more fully:
  - a. The actual members are organisations whose work and expertise is violence against women and girls focused; we ‘centre’ these organisations because it is their knowledge, experience and expertise we aim to amplify in our campaigning work.
  - b. The supporters, including Amnesty UK and the TUC, are not women’s organisations and usually do not have the expertise that the organisations delivering support to women facing abuse in the UK have; they tend to be groups and organisations which support or back our aims, but who do not develop policy, knowledge or campaigning in this area.
7. EVAW carefully made the decision to make only the women’s organisations working in this area into full company members in order that only these can influence our agenda and priorities, and to maintain a close connection to these organisations’ work.
8. EVAW never asks its members, neither the full members nor the supporters, to contribute financially to our work. This is because the formal members are usually of low income themselves; we could never charge a large fee and a small fee would be significant administrative burden. Moreover, it is important to us to keep this area of our membership as flat as possible, such that an individual, local service provider in say Newcastle, can sit as an equal in our meetings with those who have services in

multiple locations. Introducing fees on a flat or sliding scale would, in our view, be a matter that would disrupt this equality.

9. We also decided from the outset never to be in an income generating space where we create obligations or problems for our members. What we need from them is participation and knowledge, not £100/annum.
10. Regarding the supporters (informal members), we have never asked them for money, because we don't want to be in a position of having income from organisations like those and not from our core women's organization members. It would potentially create imbalance, and possibly an expectation of influence.
11. In sum, there is no precedent for us ever asking our members, supporters or any other 'fellow traveller' for financial support for any campaigning work, including litigation. We occasionally appeal to members of the public to support our work, such as in the Crowdfunding appeal related to this litigation, but it would not be reasonable of us to ask our member organisations to contribute financially to campaigning costs, when many of them run their own support services on tight budgets, and have little or no 'campaigning' budget themselves. It would feel an inappropriate to ask given the work they do and our established relationship of shared aims and values as to financial backing. Even asking may well put our relationship with our members at risk.
12. It should also be noted that we publicised our Crowdfunder fund extensively to our supporters and they were therefore aware of the need and able to contribute what they could via the Crowdfunder website.

### **EVAW's sources of income, budgeting and liabilities**

13. I have also been asked to address here EVAW's sources of income from our funders.
14. EVAW's income, which is available to read through in our published charity accounts on the Charity Commission website, is predominantly from grant-making trusts and foundations, and lately also from a small number of private individuals/philanthropists. The grants from these trusts (and indeed the gifts from the private individuals) tend to be tied to grant applications which specify what work will

be delivered over a given timetable and to a set budget. Some of the trusts do fund proportions of our core costs, which covers office rent and facilities and proportions of the small number of core workers' salaries; while others have us set out aims, objectives and deliverables against specific campaign areas (eg our work on education policy and school curriculum and safeguarding practice in relation to abuse). We report back on these grants and need to show they were spent as agreed.

15. As explained in my first Witness Statement, it has been possible to budget £15,000 towards possible costs for this case in our 2019/20 budget, an unusual and new budget line for us. As explained above, we have also undertaken significant crowdfunding.
16. Sadly, we do not have a further 'pot' of money which can be just switched to this litigation, and are obliged to be sensible with our reserves and our broader income.
17. As to the question of whether or not we could seek further income from our existing funders, the only way of which I am aware to do this would be to appeal to one of the trusts or foundations that funds us for what they sometimes term "emergency grants" to us as an existing fundee. These additional grants are rarely above the sum of £10,000 and therefore are unlikely to cover likely costs, which as yet are unknown. In any event, such grants are usually only authorised on an emergency basis for one-off projects where it is clear how much costs are involved, and what the outcome/benefit will be, like a programme of training or development. An application for emergency litigation funding – with all of the risks involved – is not likely to be successful, in my view; let alone an application for unlimited funding to cover the as yet unknown costs of litigation. Trusts/foundations will not make unlimited grants where the costs needed are not clear.
18. We are more than happy to provide more detail and documentation about our income and funding at any time.

### **Statement of truth**

I believe that the facts stated in this witness statement are true.

**Signed**

A handwritten signature in black ink, appearing to be 'Sara', with a long horizontal flourish extending to the right.

**Dated** 10 December 2019

