



Glasgow Community Planning Partnership

Calton Area Partnership

Report by Executive Director of Corporate Services

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THE COMMUNITY EMPOWERMENT (SCOTLAND) BILL

Purpose of Report:

To advise the Calton Area Partnership of the publication of The Community Empowerment (Scotland) Bill and invite the Area Partnership to submit any comments on the Bill to the Head of Democratic Services to inform submission of evidence from the Council to the Local Government and Regeneration Committee of the Scottish Parliament by 5th September 2014.

Recommendations:

It is recommended that the Calton Area Partnership

- (1) note the contents of the report and appendix; and
- (2) forward any comments to the Head of Democratic Services , if wished, to inform the Council submission of evidence to the Local Government and Regeneration Committee of the Scottish Parliament.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes No consulted: Yes No



1. Introduction

- 1.1 The Community Empowerment (Scotland) Bill was introduced to the Scottish Parliament on 11 June 2014. This followed a consultation exercise which took place early in 2014 and which was the subject of a previous report to the Area Partnership. A summary of the most relevant parts of the Bill in terms of community planning is attached as Appendix I to the report. A fuller summary of the entire Bill can be obtained from the local Area Office should members wish.

2. Next steps

- 2.1 The timetable for the Bill will be determined by the Local Government and Regeneration Committee.
- 2.2 Once written evidence has been received the Committee will invite oral evidence from stakeholders and the Minister. Other Committees including the Finance Committee will also consider the Bill and feed in their views. At the end of this process the LGR Committee will issue a report, and then there will be the Stage 1 debate, in full Chamber, on the principles of the Bill. The date for completion of the Stage 1 debate will be published once it is agreed by the Parliament.
- 2.3 Stage 2 is where the Bill is considered section by section in Committee, and amendments are put forward. Deadlines for Stage 2 are very tight – less than a week between amendments being lodged and debated – so there is very limited time for seeking views at that point.
- 2.4 A couple of weeks after Stage 2 comes Stage 3. This is usually taken in one day, with further amendments in the morning and the full debate on the final Bill, as amended, in the afternoon.
- 2.5 Once the Bill has completed Stage 3 it goes for final legal checks and Royal Assent, which take 4-6 weeks, after which it becomes an Act. It is expected the Community Empowerment Bill will receive Royal Assent by summer 2015. There will then be a process to prepare secondary legislation, guidance etc for each part of the Act before they are brought into force.
- 2.6 A call for written evidence has been issued with a deadline of Friday 5 September for the submission of any comments. A corporate City Council response is currently being worked on. In addition, the Glasgow Community Planning Partnership may submit its own evidence. To assist this process, the Area Partnership is invited, if it wishes, to forward any comments to the Head of Democratic Services to inform the evidence submitted.

3. Policy and Resource Implications

Resource Implications:

- Financial:* There are no new financial implications arising at this stage, although there may be unspecified costs to the Council and/or Community planning partners when the provisions pass into statute.
- Legal:* There are no new legal issues arising at this stage, although there may be a number of changes in relation to Community Planning.,

Allotments, Common Good and Disposal of Assets for the Council and/or Community planning partners when the provisions pass into statute.

Personnel: There are no direct personnel implications.

Procurement: There are no relevant procurement issues arising at this stage.

Council Strategic Plan: Economic Growth:

- Better skills for Glaswegians to create a more confident and competitive workforce in the City

A World Class City:

- Build strong and resilient neighbourhoods and communities
- Tackle poverty and deprivation and provide relevant and affordable services for all our citizens
- Deliver local services and neighbourhoods informed by our residents views

A City that looks after its vulnerable people:

- Reduce health inequalities both between neighbourhoods and between Glasgow and the rest of Scotland

A Learning City:

- A nurturing city, with early intervention, prevention and early years approaches for our children and families

Equality Impacts:

EQIA carried out: No

Outcome: The report is not proposing a new service, policy, strategy, plan, significant change to a/review of a service and a EQIA is not required at this stage.

Sustainability Impacts:

Environmental: No environmental impact is foreseen.

Social: No direct impact currently but when the Bill becomes law, there may be an impact on local communities which may strengthen social cohesion in the community through increased roles for community councils and actions to empower and build the capacity and strengths within the community. There may also be impacts on skills development through actions undertaken by the Glasgow Community Planning Partnership.

Economic: No direct impact is currently foreseen.

4. Recommendations

4.1 It is recommended that the Calton Area Partnership

- (1) notes the contents of the report and appendix; and
- (2) forwards any comments to the Head of Democratic Services , if wished, to inform the Council submission of evidence to the Local Government and Regeneration Committee of the Scottish Parliament

APPENDIX 1

Community Empowerment Bill - Summary

SPECIFIC PROVISIONS

Part 1: National Outcomes

2. In 2007, the Scottish Ministers introduced —Scotland Performs, to provide a clear vision for the kind of Scotland they want to see. This was refreshed in 2011. It sets out the Government's core Purpose, supported by 5 Strategic Objectives and 16 National Outcomes. There are also detailed Purpose Targets and National Indicators which track progress towards the Purpose and National Outcomes. All devolved public services in Scotland are now aligning their work to this single framework. It is part of a new way of making policy, and is helping to change the way public services are delivered. The outcomes approach means that different organisations are working towards shared goals, defined in terms of the impact they make for individuals and communities, rather than just how efficiently the service is delivered.

3. In consultation, almost all those who responded to this issue supported placing the outcomes approach in legislation. The Bill places a duty on the Scottish Ministers to develop, consult on and publish a set of national outcomes for Scotland, which must be reviewed at least once every 5 years. They must also regularly and publicly report progress towards those outcomes. These duties are not intended to require future governments to use the same model of purpose, targets, outcomes and indicators as currently used in Scotland Performs. It requires national outcomes to be determined, but there is flexibility as to how these may be presented and measured.

Part 2: Community Planning

4. Community planning is currently established in Part 2 of the Local Government in Scotland Act 2003. This places a duty on local authorities to initiate maintain and facilitate a process by which public services are planned and provided in the local authority area. Core partners¹³ are under a duty to participate in the process. There is no statutory requirement to establish Community Planning Partnerships (CPPs), although it is an expectation in supporting statutory guidance¹⁴. There are 32 CPPs in Scotland, one for each local authority area.

5. Current guidance¹⁵ makes clear that CPPs should be engaging with their communities in identifying and prioritising the outcomes that are to be delivered, and working with communities to develop their capacity to contribute to community planning and to their achievement of better outcomes. However, this is not currently a clear statutory requirement.

6. Legislative changes to community planning are an important element of a series of reforms which give effect to the Statement of Ambition (see paragraph 16). The Scottish Government therefore expects CPPs to drive public service reform effectively at local level. This is needed to achieve an overarching purpose of sustainable economic growth, better outcomes and reduced inequalities for local communities in Scotland through delivery of high quality public services.

7. The measures in the Bill seek to support this ambition by putting CPPs on a statutory basis with defined roles and responsibilities, and placing new duties on public sector partners to play a full and active role in community planning and the resourcing and delivery of local priority outcomes. In doing so, they complement and reinforce the significant national and local action that is already underway to strengthen community planning. For example, CPPs have

developed and are delivering new Single Outcome Agreements, which are their strategic plans for improving local outcomes (the equivalent of local outcome improvement plans as described in the Bill). These should provide a clear —plan for place, focused on prevention and reducing inequalities. The Accounts Commission and Auditor General have led the introduction of new external audits which provide assurance for the performance of CPPs and help them to deliver better outcomes.

8. The consultation paper sought views on what changes to legislation would help to improve community planning. There was general support for the direction of change. Many constructive comments were made which have shaped the provisions in the Bill and will continue to be taken into account in providing guidance.

9. As outlined above, the 2003 Act frames community planning as a process by which the planning and provision of public services in an area takes place. The Bill amends this legislative basis so that community planning is the process by which public bodies work together and with community bodies to plan for, resource and provide services which improve local outcomes in the local authority area. This clearly sets out how the Scottish Government intends community planning to operate, and the presence of communities in the core of the process.

10. The Bill requires the community planning partners to come together in each local authority area to form a CPP. The role of a CPP is to prepare a plan for improving local outcomes, in consultation with community bodies and others. These outcomes are to be consistent with the national outcomes determined by the Scottish Ministers under Part 1 of the Bill. The CPP must publish the plan, monitor progress being made and report annually on progress.

11. The Bill also extends the list of key partners to include a wider range of public bodies that may have a role in influencing local outcomes, including Scottish Natural Heritage, Skills Development Scotland, and the new integration joint boards formed under the Public Bodies (Joint Working) (Scotland) Act 2014. Individual partners have a duty to work collaboratively and to take into account the plan for local outcomes when setting their individual priorities. These partners are also expected to commit resources to delivery of the plan and report to the CPP on their contribution.

12. The 2003 Act provides that local authorities should maintain and facilitate the community planning process. The predominant view of responses to the second consultation was that it is important the CPP should not be perceived as an extension of the local authority, and that a more robust accountability framework is needed for CPPs. The Bill therefore places additional duties on a defined set of public sector partner bodies (including local authorities, NHS bodies and Police Scotland) to ensure that the CPP carries out its functions efficiently and effectively, and its partners work collaboratively.

Part 3: Participation requests

13. The Christie Commission recommended that this Bill should seek to strengthen community voices in shaping the services which affect them. Evidence shows that involving people more regularly and more effectively in the decisions that affect them leads to better outcomes, making the most of the knowledge and talent that lies in communities. It also increases confidence and fosters more positive relationships between communities and the public sector.

14. There is a strong history of the public sector engaging with communities across Scotland. In particular, local authorities have used a variety of engagement methods over the years and

have promoted the use of tools like the National Standards for Community Engagement (Communities Scotland, 2005 – now available, with support materials, from the Scottish Community Development Centre¹⁶). The Scottish Government sets clear expectations that all public sector organisations must engage with communities and support their participation in setting priorities and in the design and delivery of services. The provisions in Part 3 of the Bill are not intended to replace that activity, but they give community bodies an additional power to initiate that dialogue on their own terms, and a right to have their views properly considered.

15. A concern of respondents to the consultations, from all sectors, was how to ensure community bodies are open, inclusive, and truly represent their communities. Section 14 identifies the key features of a body which meets these requirements, ensuring that it is open to all members of the community and controlled by those members. It is for the body to define the community it represents, whether that is by geographical boundaries or by common interests or characteristics of its members.

16. Where an appropriate community body, or a group of bodies, believes it could help to improve the outcome of a service, it will be able to make a request to the public body or bodies that deliver that service, asking to take part in a process to improve that outcome. The community body will need to explain what experience it has of the service and how it could contribute to its improvement; this could be as simple as showing that its members are users of the service and outlining their ideas. The public body must agree to the request for dialogue unless there are reasonable grounds for refusal. If it refuses the request, it must explain the reasons. At the end of the process the public body must publish a report on whether the outcomes were improved and how the community body contributed to that improvement.

17. Community bodies might use these provisions to discuss with service providers how they could better meet the needs of users, to offer volunteers to support a service, or even to propose that they take on the delivery of a service themselves. It will be for the public body to decide whether to make any changes to existing service delivery arrangements. If the community body proposes to deliver services itself, the public body will need to decide whether the community body has an appropriate corporate structure and the capacity to take on that role.

18. The public body does not need to set up a separate outcome improvement process for each community body that makes a request. If it has a number of requests relating to the same service, or already has a participation process in place, it may invite other community bodies to join in the existing process. Community bodies may also choose to come together to make a request jointly.