

Community Empowerment (Scotland) Bill:
Call for Evidence by the Local Government and Regeneration
Committee of the Scottish Parliament

Response by the Community Learning and Development
Standards Council for Scotland

Introduction

The Community Learning and Development Standards Council for Scotland (CLDSC) (<http://www.cldstandardscouncil.org.uk/Home>) is the body responsible for the registration of CLD practitioners, the approval of relevant training courses, and the continuing professional development of the CLD workforce. It is a member-led body, currently located within Education Scotland

Access to professional qualifications in CLD, which is directly relevant to the ambitions of the Bill, is increasingly utilised by people active in their own communities. The CLDSC has supported this access by developing and operating an approvals process at three levels (professional qualification at degree level; developmental qualification, for example at National Certificate and Higher National Certificate level; and a Standards Mark to recognise quality provision of continuing professional development); and by promoting pathways for individuals to enable them to develop their competence and progress in occupational terms, whatever the starting point.

CLD has a key role in building the capacity of communities, through a workforce that is itself substantially embedded within them. The CLDSC's specific interests are in working with the CLD field to improve practice.

The CLDSC welcomes the ambition of the Bill to empower communities. We believe that the need for the Bill implies that a broader process of change is required. We need to clarify how, through the provisions of the Bill and the actions that accompany or follow from it, we can empower communities to empower themselves.

1. To what extent do you consider the Bill will empower communities, please give reasons for your answer?

To start by stating the obvious, a bill will not in itself empower communities. If communities are to be empowered, they will do it themselves, assisted or hindered by a range of factors, including the legislative framework, their economic and social circumstances, their access to political influence, the degree to which they have developed their own capabilities, their access to support in doing this and the quality of this support, and the willingness and capability of public service agencies to engage with and respond to them.

The Bill includes a number of provisions that in broad terms create rights that will result in communities being able to either take direct control of assets, or to

influence the way in which services are provided, in ways that have been less open up to now.

In assessing the extent to which this will “empower communities”, it is important to consider the question of which communities are most likely to exercise these rights successfully. The rights, and the raised expectations of the role played by communities created by the Bill, are not matched by the current opportunities for disadvantaged communities to develop the capacities to make use of its provisions.

There is a risk that the communities most likely to do so are those that have the readiest access to technical skills, networks of influential contacts and other relevant resources, and the confidence that results from these; in other words those that are already significantly “empowered”.

Our view in the light of this is that the extent to which the Bill will empower communities will be critically dependent on the availability of support to those communities that are currently dis-empowered, and on the nature of this support. We have provided further comments in relation to this in answer to question 3 below.

A further critical factor in the extent to which the Bill will empower communities is the adequacy of the skills, knowledge and capability base of government and national agencies in relation to the demands raised by the Bill; these need to be questioned and re-assessed.

2. What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?

Both the Bill and the issues it seeks to address present a major challenge to public sector organisations. Without significant change in their culture and the resulting ways of working, they are likely to face a growing disconnection from the communities they exist to serve. To avoid this and to grasp the positive opportunities offered by the empowerment of communities, they need to re-assess their own capabilities in relation to the changing context, and take steps to develop them in the light of this.

For public sector organisations committed to working in partnership with communities, to challenging and reducing inequalities and to enabling communities to play a greater part in shaping their own future, the benefit of the provisions in the Bill is that they provide a clearer statutory framework for a range of initiatives and activities that can support progress in these areas.

Potential disadvantages for public sector organisations with these commitments could arise from the interaction of provisions in the Bill for community planning and for the setting of outcomes at a national level, which may have the, presumably unintended, consequence of “planning for outcomes” at local level being constrained by the transmission of nationally-set outcomes via the Single Outcome Agreement and the Community Planning Partnership.

A public sector organisation committed to reducing inequality could find itself in difficulty as a result of the relative scale of demands arising from provisions in the bill from better-off and already-empowered communities and from those that are relatively disempowered. This again highlights the point made in relation to question 1 on the availability and nature of support to those communities that are currently dis-empowered.

3. Do you consider communities across Scotland have the capabilities to take advantage of the provisions in the Bill? If not, what requires to be done to the Bill, or to assist communities, to ensure this happens?

It is clear that some communities are much better-placed than others to take advantage of the provisions in the Bill. Communities that are relatively advantaged in terms of income, employment, health, education and influence are also not only already in a far stronger position than others to gain control of community assets and to participate in decision making, but also in a far stronger position to take advantage of many of the bill's key provisions. Indeed these inequalities of power and influence can be seen both as a central cause of other continuing inequalities of opportunity and outcome, and a product of them. As a result they have a massive impact in preventing the development and use of the latent capabilities of a large section of the population.

As noted above, our view is that in this context, the issue of the availability and nature of support available to communities, and in particular those that are relatively disadvantaged, is critical for the Bill achieving its stated objectives.

Suggested changes to the Bill

We therefore welcome section 9(3) which states that each community planning partner must contribute funds, staff and other resources, as determined by the community planning partnership (CPP) with a view to improving identified local outcomes and "for the purpose of securing the participation of the community bodies mentioned in section 4(5)(a) in community planning".

At the same time there are a number of respects in which we think it is important that this provision is added to, strengthened, and widened.

- There is currently no direct indication of how the CPP, or community planning partners, should decide on which community bodies should receive support in this way, or to what level. It may be suggested that a link with the local outcomes improvement plan will ensure that those community bodies that are active in communities that are currently least empowered secure the most benefit from this provision. However, we suggest that this is much more likely to happen if there is a specific provision that resources should be allocated in a way that addresses inequality and prioritises those communities that are currently least empowered.

- The provision in section 9(3) relates solely to securing the participation of community bodies in community planning. While this is welcome in itself, support provided on this basis is concerned with community participation viewed from the perspective of the CPP and community planning partners, rather than with enabling communities to identify and progress their own concerns, using community planning, participation requests, requests to own or manage assets and/or other methods as determined by them.

This latter type of support is ultimately far more effective in bringing about the empowerment of communities, and also in stimulating real participation in community planning that provides a dynamic for change, than support solely for “securing participation in community planning”, which inevitably starts and ends with the perspective of the core community planning partners.

We therefore suggest that section 9(3) is reframed as a duty on community planning partners to contribute funds, staff and resources to assist communities to determine their own priorities, organise themselves to achieve these and to participate in community planning, and take advantage of other provisions of the Bill, in pursuit of the goals and objectives they have identified; and to ensure that these funds, staff and resources are allocated in such a way as to maximise their impact in reducing inequalities between and within communities and in empowering those communities experiencing relative disadvantage.

- On that basis, the duties set out in the current section 9(3) in relation to participation in community planning would become duties in relation to a range of provisions in the Bill and we suggest that consideration is given to how provisions of this sort could best be incorporated into the Bill.
- The effectiveness of support provided to communities will depend crucially on the competence – the relevant skills, knowledge and understanding – of the practitioners providing it, whether as paid staff or as volunteers, and their commitment to appropriate values informing their practice. We therefore suggest the addition of a duty on community planning partners and CPPs to take steps to ensure that, in providing or securing staffing support for communities in support of the objectives of the Bill, the staff or volunteers have the appropriate competences and values, and are assisted to develop them further.

Action to assist communities

It is generally recognised that the Bill needs to be accompanied by a range of other action in order to achieve the significant change that is sought. Ensuring that the appropriate support is available to communities, and that central and other public service agencies develop the additional capabilities they need to

respond to and engage with communities, are key areas in which this action is needed.

Developing the values, skills and competence to assist communities to take advantage of the Bill's provisions

In relation to the final bullet point above, the CLD Standards Council can offer advice on how community planning partners and CPPs could best ensure that staff and volunteers have the appropriate competences and values, and are assisted to develop them further. The Standards Council's competence framework¹, statement of values and Code of Ethics², all developed by working with the field, provide a ready-made framework for use by community planning partners and CPPs in this context.

The Standards Council's remit, as directed by the Scottish Ministers, includes responsibility for setting out a model and framework for continuing professional development (CPD) for all involved in CLD (including qualified and unqualified staff, paid or voluntary). The CPD Strategy for CLD³, currently being refreshed, sets the direction for the development of a learning culture that could support all those involved in supporting the empowerment of communities in line with the provisions of the Bill.

The *i-develop – learning for CLD* platform⁴ provides a framework for practitioners to manage their own CPD. It provides a resource for paid staff and volunteers to develop their competence and effectiveness in empowering communities, and could be utilised by paid staff and volunteers supporting disadvantaged communities to make use of the provisions of the Bill.

Mobilising and co-ordinating support for communities

In order to organise, mobilise and co-ordinate support for communities to make use of the Bill's provisions, we suggest that the Scottish Government should make clear that it expects the various lines of policy and legislation related to this to be supported and implemented in a joined-up way. National public agencies and third sector support organisations have key leadership roles in this, which to be exercised effectively require them to give up some of their own power to control in order to create the space for others to act. The remit and role of national support and umbrella organisation should be audited and refreshed to meet current and developing needs and opportunities.

In particular we suggest that the Scottish Government should emphasise that the CLD plans that each local authority is required to work with partners to

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[http://www.cldstandardscouncil.org.uk/the_competences/Competences for Community Learning and Development](http://www.cldstandardscouncil.org.uk/the_competences/Competences_for_Community_Learning_and_Development)

² [http://www.cldstandardscouncil.org.uk/Registration/Code of Ethics/Code-of-Ethics](http://www.cldstandardscouncil.org.uk/Registration/Code_of_Ethics/Code-of-Ethics)

³ [http://www.cldstandardscouncil.org.uk/CPD/CPD Strategy](http://www.cldstandardscouncil.org.uk/CPD/CPD_Strategy)

⁴ <http://www.i-develop-cld.org.uk/>

prepare by September 2015 (under the provisions of the Requirements for CLD [Scotland] Regulations, 2013) should be utilised to assist development of support for communities to make use of the Bill's provisions.

All those involved in providing this support should be encouraged to communicate with each other, to avoid duplication of effort and to collaborate with each other wherever this will be to the benefit of communities themselves. Differences of method and approach should be respected, and critically explored as a means of improving the impact of support provided in empowering communities. The Standards Council's frameworks referred to above provide one means of developing agreed standards as a means of improving practice.

Ensuring that accessible, high quality professional education to develop the support required by communities is available

Access to professional education, in particular for volunteers involved in empowering their own communities, is a key means of developing the skills and competence needed to assist disadvantaged communities to make effective use of the Bill's provisions. However, people from the communities that need support to take advantage of the Bill's provisions face major barriers, including financial ones, to entering full-time further or higher education.

In a wide range of human service disciplines, the practice placement element of professional education is recognised as critical to its effectiveness. In line with this, the CLD Standards Council requires professional education programmes in CLD to include a minimum of 40% practice-based learning. This requirement restricts the amount of time that participants on programmes are available for work; whereas in a number of other professional areas practice demands are recognised in the offer of various forms of financial support, these are not available to students on CLD courses.

Given the importance of developing the skills and competences to support communities to take advantage of the Bill's provisions within disadvantaged communities themselves, we suggest that a review of the organisation and funding of professional education in CLD is considered. Such a review would also provide the opportunity to ensure that all aspects of professional education in CLD are fit for purpose in the context of the evolving needs and aspirations of communities across Scotland.

4. Are you content with the specific provisions in the Bill, if not what changes would you like to see, to which part of the Bill and why?

As outlined above in response to question 3, we would like to see changes in the provision currently set out in section 9(3).

5. What are your views on the assessment of equal rights, impacts on island communities and sustainable development as set out in the Policy memorandum?

Assessment of equal rights

We suggest the following two issues relating to equal rights, not mentioned within the policy memorandum, should be given consideration.

1. We have highlighted throughout these comments that there are significant risks that the Bill's provisions inadvertently increase inequalities between communities.

These are not primarily inequalities relating to the "equalities groups" considered by the Equality Impact Assessment. However, it seems likely that in some instances the members of "equalities groups" are over-represented in geographic communities that are economically and socially disadvantaged, and/or that the effects of inequality experienced by members of "equalities groups" are exacerbated by living in disadvantaged areas. These are likely to be important factors in developing realistic strategies for supporting community empowerment.

2. "Community bodies" are not invariably benign, and it is important to acknowledge that the potential always exists for particular community bodies to be controlled by one grouping within a community and used for the perceived benefit of that grouping and to the detriment of others within the same wider community. Those discriminated against in such circumstances can be members of "equalities groups".

We suggest firstly that further consideration is given to whether any additional or amended provisions of the Bill can assist, together with existing equality and human rights legislation, in minimising risks of this nature.

Secondly, we believe that addressing inequalities issues within and between communities must be a key focus of the assistance provided to communities to take advantage of the provisions of the Bill. Addressing issues of this kind requires the work of those enabling the empowerment of communities to be informed by a strong values base, an understanding of how this values base informs day-to-day activity and a high level of competence. All of this underlines the points already made about the importance of developing the values, skills and competence to assist communities to take advantage of the Bill's provisions.

Impacts on island communities

Those working to empower island communities are faced with particular challenges in relation to accessing learning opportunities to support the development of their skills and competences, including opportunities to network and share experiences with their counterparts in other areas. This should be

given consideration in addressing the issues of developing the values, skills and competences for empowering communities.

Sustainable development

Support for communities informed by a strong values base, an understanding of how this values base informs day-to-day activity and a high level of competence is a critical factor in enabling communities to work effectively for the sustainable development of their area or in relation to their shared interests.

In summary, the CLDSC believes that a number of fundamental conditions need to be in place if the change required to bring about community empowerment is to happen:

- There should be a clear focus in the Bill and associated actions on how we empower communities to empower themselves
- Disadvantaged communities need access to high-quality support in identifying their own priorities, developing strategies for achieving them, building the organisational infrastructure required and engaging with decision-makers.
- This support should be informed by a clear value base and competence framework; underpinned by professional learning opportunities focused on how to empower communities to empower themselves and accessible to people active in their own communities.
- Public agencies should reassess their skills, knowledge and capability base in relation to the challenges posed by the change required to meet the Bill's ambitions.
- Section 9(3) of the Bill should be reframed as a duty on community planning partners to contribute to assisting communities to determine their own priorities, and to organise themselves to achieve these.
- The duties set out in the current section 9(3) in relation to participation in community planning would become duties in relation to a range of provisions in the Bill.
- The Scottish Government should make clear that support for implementation of all the policy lines directly relevant to the empowerment of communities should be co-ordinated.
- National public and third sector agencies should take an active, enabling lead role in mobilising and co-ordinating support to empower communities to empower themselves.
- A review of the organisation and funding of professional education in CLD should be considered.
- Further consideration should be given to additional or amended provisions of the Bill that would assist, alongside existing equality and human rights legislation, in minimising risks of exacerbating inequalities.
- Addressing inequalities issues within and between communities should be a key focus of the assistance provided to communities to take advantage of the provisions of the Bill.