



CLD Standards Council Scotland

Response
to
Scottish Government
on

Community Rights to Buy Review

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About Us

The CLD Standards Council Scotland is the professional body for people who work or volunteer in community learning and development (CLD) across Scotland. CLD is a field of professional practice which has three integral domains of practice; adult learning, community development and youth work. As a member-led organisation we have a growing membership of over 3325 members (inclusive of CLD: Youth Work practitioners), an executive committee and three functional committees which are made up of members from across the CLD sector in Scotland. Our approach and work plans to deliver our core responsibilities are defined by our member committees and based on feedback from the wider membership.

Our ministerially set core responsibilities are:

- Deliver a professional approvals structure for qualifications, courses, and development opportunities for everyone involved in CLD
- Maintain a registration system available to practitioners delivering and active in CLD practice
- Develop and establish a model of supported induction, professional learning, and training opportunities
- Improve and develop our organisational capability; and
- Collaborate and contribute to relevant CLD policy and workforce development information.

Vision

“Our vision is that the communities and people of Scotland are served by CLD practitioners that are recognised as competent, confident and committed to equality, empowerment and life-wide learning for all.”

Mission

“Our mission is to drive high standards of professional practice in the CLD sector by the approval of professional learning, the registration of practitioners and the enabling of professional development, working with our members to be a voice for the profession.”

The CLD Standards Council works with a wide range of organisations across CLD and education sectors, nationally and internationally. We are members of a number of organisations, some we have specific partnership or framework agreements with, and we engage and work with many others.

Organisations we have formal agreements with:

- AIEB (All Ireland Endorsement Body for Community Work Education and Training)
- COSLA (Convention of Scottish Local Authorities)
- Education Scotland
- GTCS (General Teaching Council Scotland)
- JETS (Joint Education and Training Standards – UK & Republic of Ireland)
- SCURL (Scottish Confederation of University and Research Libraries)
- Volunteer Scotland

Organisations we have membership of:

- BEMIS (Black and Ethnic Minority Infrastructure in Scotland)

- CDAS (Community Development Alliance)
- Human Rights Consortium Scotland
- IACD (International Association for Community Development)
- Inclusion Scotland
- PARN (Professional Association of Research Networks)
- SCDI (Scottish Council for Development & Industry)
- SCQF (Scottish Credit and Qualifications Framework)
- SCVO (Scottish Council for Voluntary Organisations)
- TAG:PALYCW (The Professional Association of Lecturers in Youth and Community Work)

Key Stakeholders and Partner Organisations:

- Alliance of Commonwealth Youth Work Associations (ACWYA)
- CLD Managers Scotland
- CLD Professional Learning Networks
- College Development Network
- CWA (Community Work Australia)
- LEAD Scotland (Linking Education and Disability Scotland)
- Learning Link Scotland
- LGBT Youth Scotland
- Open University
- SCDC (Scottish Community Development Centre)
- SCDN (Scottish Community Development Network)
- Scotland's Learning Partnership
- The Young Women's Movement
- YMCA Scotland
- Youth Scotland
- YouthLink Scotland
- Youth 1st (Fife)
- Youth Highland
- Young Scot

For further information on the CLD Standards Council please visit our [website](#) and view our social media [cldstandards](#) | [Twitter](#), [Facebook](#) | [Linktree](#). If you would like to discuss this response further, please email us on contact@cldstandardscouncil.org.uk

About Community Learning and Development in Scotland

The Community Learning and Development (CLD) sector, which is a unification of the 3 professional practice disciplines of Adult Learning (Including ESOL), Community Development and Youth Work, is an integral and essential part of Scottish education, as recently reported in [Learning: For All. For Life. A report from the Independent Review of Community Learning and Development \(CLD\)](#), which was undertaken by Ms Kate Still, as part of Education Reform, and commissioned by Mr Graeme Dey MSP, the Minister for Higher and Further Education, and Veterans.

The CLD sector across Scotland is receiving considerable amount of attention at present, with the aforementioned recent Independent Review of CLD publishing the Still report [Learning: For All. For Life](#), (June 2024) and the HMIE producing the [Evaluation of Community Learning and Development in Scotland](#), alongside the wider piece around [Education Reform](#) in Scotland.

CLD has its origins in the period of change that swept through society in the 18th and 19th centuries. New industries, and changes in science, technology, land use and education dislocated or smashed traditional forms of family and community life, with the history of youth work starting with voluntary action through faith organisations. Over time, we saw the further development of adult and young people's education with development of the [Workers Educational Association](#) and the National Council of Labour Colleges, and then the growth of community development as a response to the "rediscovery of poverty" in the 1960's. The Alexander Report – [Adult Education: the challenge of change](#) (HMSO 1975) was a response to the persistent issues of disadvantage, and advocated that "Adult education should be regarded as an aspect of community education and should with the youth and community service, be incorporated into a community education service". In 1998, Mr Brian Wilson MP established a working group to "consider a national strategy for community based adult education, youth work and educational support for community development in the light of Government priorities in relation to social inclusion and lifelong learning" ([Communities: Change Through Learning. P14](#)). In 2004, the Scottish Executive published [Working and Learning Together to Build Stronger Communities](#), stating "Community learning and development should incorporate the best of practice undertaken in the fields of 'community education' and 'community development'. It should enable individuals and communities to make real changes to their lives through community action and community-based learning. CLD is an approach which enables agencies to work with communities and provide access to their involvement in learning, action, and decision-making." These advancements were fundamental in bringing about the birth of CLD in the form it has grown into in the 21st century.

Community Learning and Development (CLD) – A Strategic Professional Discipline

CLD is a field of professional practice that is critical in the achievement of any policy and legislation that requires community engagement, development and learning as it supports the learning, growth, empowerment of individuals and communities, as well as supports the delivery of other services. From CLD supporting climate action change, sustainability and protecting our environment, as well as developing neighborhoods, community empowerment and community support groups, to working with young people and adults regarding enablement and citizenship and improving literacy and numeracy within Scotland's communities which impacts on economy, health and wellbeing.

CLD empowers individuals across Scotland to identify both personal and collective goals, take action to drive change, and ultimately achieve these objectives. By utilising a combination of formal and informal learning methods and social development approaches, CLD programmes are designed

through direct engagement with communities and participants. These learning initiatives specifically support those who are often excluded from decision-making processes that impact their lives. In doing so, CLD practice enhances democratic participation and broadens its influence.

The three domains of CLD (Adult Learning, Community Development, and Youth Work) work in unison to deliver [Scotland's National Outcomes](#). As a single, unified professional discipline, CLD is a vital educative force, and its impact should be strengthened through focused legislation. Guided by the [National Performance Framework](#), these domains are deeply interconnected — each reinforcing the other to create lasting change for our communities across Scotland. For example, youth work on employability or equalities has far greater and more sustainable impact when complemented by community-based adult education and community development initiatives that engage families and whole communities to lead change.

Fundamental to the practice of CLD across all settings are these values which have been identified by the CLD Standards Council:

- **Self-determination** – respecting the individual and valuing the right of people to make their own choices.
- **Inclusion** – valuing equality of both opportunity and outcome and challenging discriminatory practice.
- **Empowerment** – increasing the ability of individuals and groups to influence issues that affect them and their communities through individual and/ or collective action.
- **Working collaboratively** – maximising collaborative working relationships in partnerships between the many agencies which contribute to CLD, including collaborative work with participants, learners and communities.
- **Promotion of learning as a lifelong activity** – ensuring that individuals are aware of a range of learning opportunities and are able to access relevant options at any stage of their life.

In Scotland, Community Learning and Development has a legislative underpinning through the implementation of the [Requirements for Community Learning and Development \(Scotland\) Regulations 2013](#), which are located as part of Section 2 of the [Education \(Scotland\) Act 1980](#). These Regulations require each local authority to [publish a 3-year plan](#) that details the delivery of CLD activity in the local authority area, as stipulated in the [community-learning-development-plans-guidance-2024-2027.pdf](#).

The following diagram was used in the 2012 Strategic Guidance on CLD for Community Planning Partnerships to illustrate the policy context for CLD in Scotland. and continues to provide a useful picture of the pivotal role of CLD and CLD: youth work.



This response was compiled following an online consultation with members of the CLD Standards Council and representatives from Scottish Governments Community Land Team.

Assumptions:

It is important to recognise that this CLD Standards Council response provides an insight into the views and experiences based on the those mentioned above. The membership consultation data provided a valuable insight into the experiences based on the views of the member participants. This response is not representative of the entire CLD sector across Scotland or the full CLD Standards Council membership.

Response from the CLD Standards Council to Scottish Governments review of Community Rights to Buy processes.

This review response summarises key themes and consultation questions discussed during a Scottish Government session on Community Right to Buy. It draws extensively from the engagement with our members to reflect both the operational realities and the lived experiences of community stakeholders. The aim of this report is to provide an informed response to the consultation and highlight areas for reform, with a focus on opportunities for CLD to contribute to the aims of this part of the community empowerment legislation and guidance.

Government's Policy Role in Scotland

Scottish Government have a wealth of policies, strategies and guidance supporting community engagement, development, and empowerment but often these are deficient in connection, approaches and aims, therefore producing barriers to supporting communities to grow and develop together. We also find that these documents often have a considerable lack of attention and detail regarding the people, human resource and skills required to achieve these community-based aims.

As a professional sector working across communities in Scotland, qualified CLD practitioners understand firsthand that gaining a true understanding of community needs for wellbeing and sustainable development—along with the ways in which human aspects, location, and infrastructure interact—requires the active engagement, knowledge, and drive of individuals within those communities. By providing support from the public bodies, specifically the CLD sector, to facilitate skills development, communities can engage more meaningfully, ensuring that data collection reflects genuine, ground-up perspectives on local needs.

Originating with the Land Reform (Scotland) Act 2003 and further developed through the Community Empowerment (Scotland) Act 2015, we understand that this review addresses only one aspect of a much broader suite of community development and wellbeing legislation for Scotland. We would therefore like to take this opportunity to emphasise the importance of strong, cohesive connections across this policy landscape, recognising the place professional CLD practice has in supporting these policies, and believe it would be valuable to consider how this review interacts with other key documents such as:

- [Community Empowerment \(Scotland\) Act 2015](#)
- [National Standards for Community Engagement](#)
- [Community Wealth Building \(Scotland\) Bill](#)
- [Democracy Matters 2](#)
- [Wellbeing and Sustainable Development \(Scotland\) Bill](#)
- [Community-led regeneration - Regeneration - gov.scot](#)
- [Empowering Communities Programme - Community empowerment - gov.scot](#)
- [The Place Standard tool is a way of assessing places. | Our Place](#)
- [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026 - gov.scot](#)
- [Scottish Government Planning Guidance: Effective Community Engagement in Local Development Plans](#)
- [Community benefits from net zero energy developments: consultation - gov.scot](#)
- [Social capital and community wellbeing in Scotland - gov.scot](#)
- [National strategy for community justice](#)
- [Participation handbook - gov.scot](#)
- [Just Transition](#)

- [Human Rights Bill for Scotland: discussion paper - gov.scot](#)
- [Human rights - gov.scot](#)

Our Overview of Community Rights to Buy

Community rights to buy are part of a wider policy framework designed to increase community ownership and control of land and assets. These rights sit alongside asset transfers, the Scottish Land Fund, and Compulsory Sales Orders—forming “a larger piece of work” which have ultimately been developed to empower communities across Scotland.

There are currently four rights to buy:

RIGHT TO BUY	DESCRIPTION	COMMENTS FROM DISCUSSION
Part 2 (2003 Act)	Non-compulsory registration of interest	“Often the easiest one to access for groups”
Part 3 (2003 Act)	Crofting community compulsory purchase	“Slightly aside from the others... protections for crofters”
Part 3A (2003 Act)	Abandoned/neglected/detrimental land	“Must stand up to appeal in court... stricter process”
Part 5 (2016 Act)	Sustainable development	“Owner is doing something, but we can do something much better”

Application Requirements and Community Structures

Discussion was had regarding how eligible community bodies must be structured as:

- Company Limited by Guarantee
- SCIO
- Community Benefit Society (BenCom)
- Body Corporate (only under Part 5 with third-party purchaser)

Concerns were raised about how the eligibility requirements might pose barriers for some groups, whilst it was also noted that it offers assurance regarding supporting smaller community groups to ensure organisational governance. Clarification was also given regarding how currently they must reflect legislative requirements, including:

- At least 75% of members residing in the defined community.
- Non-resident members cannot vote at AGMs.

During the consultation, concerns were raised about the requirement that 75% of a community body’s members must reside within the defined area, with the remaining 25% excluded from voting rights. Members questioned whether this ratio should be reconsidered to better reflect the value of external support and expertise, noting that ***“smaller communities may rely on external expertise to strengthen governance and strategic planning, especially when local capacity is limited.”***

While the importance of maintaining local control was widely acknowledged, participants expressed interest in Scottish Government exploring a more inclusive model. The legislative intent to “keep ownership and responsibility for the asset within the local community” was reaffirmed, but it was also recognised that allowing co-opted board members, who may not reside locally but bring valuable skills, could enhance governance without undermining accountability.

This balance between geographic legitimacy and operational capacity was a recurring theme and seen as a key area for reform. CLD practitioners highlighted that from their experience in supporting

community groups, many communities, particularly smaller or under-resourced ones, depend on external expertise to operate effectively. There was strong support for this review to explore mechanisms that broaden involvement while preserving local ownership. The inclusion of co-opted members was viewed not just as a technical fix, but as part of a wider shift in community governance, and one that values flexibility and inclusivity alongside democratic legitimacy.

Defining the Community

Members were interested in current ways that communities define their area using:

- Postcode units or sectors
- Community council areas
- Electoral wards
- Parishes

Concerns were raised about the difficulties in supporting groups to visualise their defined area, ensuring they avoid gaps. It was also felt that guidance could be stronger to inform community groups to “be realistic about the size of community,” with explanations noting why overly large areas can be “unmanageable” during petition or ballot stages. Members suggested some case studies or examples of “What worked/What didn’t” and offering context as to why. There were some apprehensions about exclusion and inclusion boundaries, especially in urban areas. Again, members suggested that clear guidance with examples and practical definitions that balance inclusivity with operational feasibility, may assist CLD practitioners, as well as community groups, to understand.

Demonstrating Community Support

Members expressed interest in examining the expectation that groups demonstrate community support, while questioning the absence of consideration for community resistance.

It was commented on that currently community support requirements are above what is required for elections:

- Part 2: Petition: 10% support (15% for late applications)
- Parts 3A & 5: Ballot: 50% turnout, 50% in favour (effectively 25% of community)

Members requested that turnout and support thresholds should be reviewed and possibly adjusted but strongly emphasised that if the defining community areas changes, as well as percentages of those who reside there. Suggestions were made regarding the possibility of a single requirement such as 25% of community in favour, as it was felt that this may be more practical.

Ballot Funding and Administration

The logistical burden of organising a ballot was described by CLD practitioner members as disproportionately heavy for smaller community groups, many of which operate with limited resources and volunteer capacity. One participant noted, ***“It’s not just about printing and postage - it’s about reaching people who don’t use email, who can’t get to a hall, who need someone to explain what’s happening”***. This underscores the need for more inclusive and accessible ballot mechanisms.

While it was recognised that Scottish Government does reimburse “reasonable costs” such as postage and stationery, it was widely felt that this definition is too narrow. Concerns were also voiced around reasonable costs being reimbursed retrospectively as members evidenced that this often causes financial barriers for many community groups. Suggestions were made regarding the possibility of grant scheme for some standardised costs. Participants strongly advocated for a broader interpretation of reimbursable expenses to include:

- Promotional events to raise awareness and encourage participation.
- Outreach activities tailored to vulnerable groups.
- Digital access tools, such as tablets or assisted voting support.
- Translation or interpretation services where needed.

These additional supports were seen as essential to ensuring that ballots are not only technically compliant but meaningfully democratic. Without them, there is a risk that community voices, especially those most marginalised, are not adequately represented in the decision-making process. Expanding the scope of ballot funding was therefore identified as a key area for reform, with strong consensus from our members that equity in participation must be prioritised alongside procedural fairness.

Late Applications and Proactive Registration

A significant portion of the consultation with members focused on the challenges communities face when responding to sudden asset sales, particularly civic buildings such as town halls, schools, and churches. It was highlighted that these properties often appear on the market without prior notice or discussion at community council level, leaving local groups scrambling to organise and submit a late application under Part 2 of the Land Reform (Scotland) Act 2003. This reactive process was described as *“back to front,”* with members expressing frustration that communities are expected to mobilise quickly despite having had no opportunity to prepare.

Whilst the importance of proactive registration under Part 2 was acknowledged as a practical safeguard, members felt that clearer guidance and support is needed to help communities understand how to identify and register assets effectively. It was also suggested that improved access to simple online training regarding this aspect should be developed and offered to the CLD practitioners’ workforce, as the profession who supports the community groups and often works between the Local Authority Asset Management team and the community group.

However, several members voiced concerns that current procedures assume a compliant community body already exists, which is not the case for many smaller communities or under-resourced areas, ***“It takes them all of their time to find volunteers for a community council, so to get volunteers to create another constituted body just on the off chance can often be a big ask.”***

Members also explored the issue of owners withdrawing assets from sale after a late application has been approved. While the legislation currently allows this, it was questioned whether such withdrawals should be permitted once a community has demonstrated interest and invested time and resources as whilst the community group’s registration remains valid, the sale can be halted, leaving communities feeling deflated. Members expressed a desire for greater transparency in these situations, suggesting that if an owner withdraws an asset from sale, there should be a formal requirement to explain the reason and consult with the interested community group, particularly if the asset is later re-listed. Members felt that this level of support would help ensure that communities are not repeatedly ***“blindsided”*** and that their efforts to engage with the process are respected.

Overall, the discussion highlighted the need for:

- Clearer guidance on proactive registration under Part 2.
- Support for communities without existing compliant bodies.
- Stronger protections against sudden asset withdrawals.
- Transparent procedures for re-listing and community consultation.

These reforms were seen as essential to making the right to buy process more accessible, equitable, and responsive to the realities faced by communities across Scotland.

Third-Party Purchasers (Part 5)

Discussions acknowledged that Part 5 allows communities to nominate a third-party purchaser, however, there was some concern about the lack of safeguards around this process.

Members were unsure if this option should remain but stated that if it did then further review was needed on the requirements of third-party purchasers to meet compliance standards. It was suggested that formal agreements should be required to ensure continued community benefit, which supported community groups to have the option to reclaim the asset if the asset is diverted from the agreed community use. Members requested more research be done on this topic, stating that they felt this was a “danger point” for community groups.

Option Agreements

It was explained that valid option agreements can override community right to buy applications entirely, rendering them void regardless of community interest. At present, these agreements are not publicly disclosed, and community groups often only become aware of their existence after submitting a formal application by which point significant time and effort may already have been invested. Members felt strongly that the existence of option agreements should be made public at the point they are established. This would help manage community expectations, prevent unnecessary administrative burden, and allow communities to make informed decisions before committing to a process that may ultimately be blocked.

Appeals

Currently, appeals must be submitted within 28 days of a ministerial decision. However, members questioned whether this timeframe is sufficient, especially given that other stages in the process allow 60 days for responses and consideration. It was felt that extending the appeal window would create a more equitable and balanced process, giving both community groups and landowners adequate time to assess their position, seek advice, and prepare the necessary documentation for a formal challenge.

Conclusion

This consultation raises critical questions around fairness, accessibility, and the level of support required to enable genuine community empowerment through the Community Right to Buy processes. Throughout the discussions, participants consistently emphasised the need for a more inclusive and responsive framework, one that recognises the diverse capacities of community groups and removes unnecessary barriers to participation.

There was strong consensus in favour of several key improvements:

More flexible thresholds for demonstrating community support, particularly in relation to petitions and ballots, to reflect the realities of smaller or more vulnerable communities.

Greater transparency around option agreements, ensuring that communities are informed early and can avoid investing time and resources into applications that may be invalidated.

Stronger safeguards for third-party purchases, including clearer criteria and formal agreements to ensure assets remain in community use.

Longer appeal windows, allowing both community bodies and landowners adequate time to prepare and respond, and ensuring procedural fairness.

Investment and rollout of training for CLD sector on Community Rights to Buy

In addition to these structural reforms, members highlighted the importance of embedding recognised standards and values into the legislative and guidance framework. Alongside the National Standards for Community Engagement, it was strongly recommended that the consultation team incorporate the principles and competences of Community Learning and Development (CLD). These include:

- Empowerment: Supporting individuals and communities to take control of their circumstances.
- Self-determination: Respecting the right of communities to make their own decisions.
- Inclusion: Ensuring all voices are heard, especially those who are often marginalised.
- Collaboration: Promoting partnership working across sectors.
- Lifelong learning: Enabling people to develop the skills and confidence needed to engage meaningfully.

Embedding these values into both the guidance and the implementation of revised Community Rights to Buy legislation would not only strengthen public body approaches but also ensure that developments align with best practice and reflect the lived experiences of Scotland's communities. By actively applying CLD competences in collaboration with policymakers, developers, and community groups, the process will become more transparent, inclusive, and effective. Crucially, it will allow individuals to build the necessary skills and understanding before decisions are made—ensuring that community-led sustainable development is not just a policy goal, but a practical reality with community empowerment at its core.