

Draft Guidance on
The Requirements for CLD (Scotland) Regulations 2013
Comments from CLD Standards Council

Section 1

On a scale of 1 to 6, with 1 being unsatisfactory and 6 being excellent please tick the number you feel indicates your opinion of the following questions.

- 1. How well do you think the guidance will help local authorities to meet the requirements of The Requirements for Community Learning and Development (Scotland) Regulations 2013 ('the CLD Regulations')?**

1 2 3 4 5 6

If you have chosen a lower option on the scale, how could the guidance be improved?

The guidance will help to clarify the implications of the requirements for local authorities. In particular it is helpful that the guidance makes clear that the SSI does not replace the Strategic Guidance for Community Planning Partnerships and that Local Authorities should build on processes used to implement the Strategic Guidance in order to ensure that they meet the requirements of the SSI.

The extent to which the guidance turns out to be helpful depends largely on:

- a. Ensuring that there is a direct statement of why the legislation was considered to be necessary and the impact it is designed to achieve. A covering letter is one useful means of making a statement of this sort but as far as possible it should also be included in the guidance itself, perhaps as a preamble.
- b. How it is followed up through other materials and support to local partners. If the SSI is to have the major impact that is needed, there needs to be sustained support from national level, integrating the efforts of all the national agencies with roles in CLD and enabled by

clear leadership from the Strategic Implementation Group for the Strategic Guidance. The current guidance will provide an important reference point in the context of a sustained programme of this sort.

The guidance is likely to be seen by some of those in the field as being too focused on the technicalities of the legislation and not providing enough detail on what the Scottish Government expects local authorities to deliver. The more advice the guidance can provide on how local authorities can best meet the requirements of the legislation through carrying out their lead role in implementing the Strategic Guidance the better. To the degree that it is not possible to do this because of the nature of the current guidance it would be helpful to flag up that this will be done through other materials.

It would also be helpful if the guidance advised local authorities on the importance of having staff with the appropriate skill set relevant to CLD in place at all the appropriate levels of delivery, management and strategic planning.

2. How well do you think the guidance will help partners in CLD other than local authorities to identify their role in relation to the requirements of the CLD regulations?

3 (on a scale
of 1 to 6.

If you have chosen a lower option on the scale, how could the guidance be improved?

Provided they are aware of and familiar with it, the guidance will make clear to partners in CLD other than local authorities that they do have an important role in relation to the requirements. However there are significant issues to be addressed in ensuring that awareness and familiarity, for example in relation to the many organisations who have an important role to play in the provision of CLD but do not see their activities in that way.

The guidance in itself does not provide much assistance in specifying the nature of their role or how to carry it out (and it would not make sense to try to do this in relation to the SSI in isolation from the Strategic Guidance for Community Planning Partnerships and key policy drivers). If partners in CLD other than local authorities are to play a fully effective role, further guidance and support setting the requirements set by the regulations in the overall context for the delivery of CLD, in particular the Strategic Guidance, will be needed.

As a first step the guidance could be improved by stronger advice on the need for equal partnerships in the planning and delivery of CLD.

3. How well do you think the guidance on the CLD Regulations will help partners in CLD work together to deliver positive outcomes with communities?

3 (on a scale of 1 to 6).

If you have chosen a lower option on the scale, how could the guidance be improved?

The guidance gives a clear and positive message that partners in CLD need to work together to deliver positive outcomes. However there are clearly risks arising from the fact that the requirements set by the SSI only apply to local authorities, as a result of the basis of the SSI in the 1980 Act. This may give rise to assumptions that CLD is the sole responsibility of local authorities, that there is no requirement for local authorities to engage with other partners, or that there is no significant role for other partners.

Partners will be able to make good use of the guidance where there are already good arrangements for partnership working in place; however in itself, and in its present format it is unlikely to provide the inspiration for partners to work together more effectively. This re-emphasises the need for sustained, integrated support and clear leadership around the agenda set by the Strategic Guidance, and for meeting the requirements of the SSI within that context.

Section 2

4. Are there aspects of the draft guidance on the CLD Regulations that you think should be changed or omitted? If so, what are they?

Further consideration should be given to how the guidance can give a stronger message that the SSI sets statutory requirements that local authorities will be accountable for meeting. In paragraph 2.1 in particular, the responsibilities of elected members and senior local authority staff should be more clearly stated. The message about accountability should emphasise an overall raising of the bar of expectations and of what is acceptable in CLD provision. It would be useful for the guidance to refer to HMI inspections of learning communities as one important mechanism for accountability.

In relation to other partners, it should be emphasised that when local authorities seek their involvement in the process for securing provision of CLD set out in the SSI, they are doing so in fulfilment of a statutory duty.

5. Are there any areas not covered in the draft guidance that should be?

If so, what are they and why do you think they should be included?

The guidance would be strengthened by the inclusion of advice on what factors local authorities and others should consider in deciding what constitutes “adequate and efficient provision of CLD”.

There are likely to be legal constraints on the guidance seeking to quantify “adequacy”. However it is important for the guidance to include advice that in order to meet the requirements in ways that also secure positive outcomes for communities, local authorities should as good practice include considerations of the *quality* of provision as an essential part of any assessment of adequacy. While the fact that the requirement placed on the local authority by the legislation is to “secure” provision is positive it does need to be complemented by an emphasis on standards and quality.

The guidance should refer to the Standards Council’s Competency Framework and Code of Ethics, and to the importance of appropriate arrangements for self-evaluation, in this context.

It would also be very helpful to include advice that it will be good practice for the local authority to consider the views of communities, learners and other stakeholders on what constitutes adequate and efficient provision before reaching a conclusion on this.

One of the key issues for the effectiveness of the guidance (and the impact of the SSI) is maximising its reach into the diverse elements of the CLD

field, including those that may not identify themselves as delivering CLD. To help in addressing this, consideration should be given to ways of making more reference to key areas of CLD activity, as identified in paragraph 3.4 of the Strategic Guidance for Community Planning Partnerships and including adult learning, youth work and community capacity building. This aspect of the Strategic Guidance is referred to in the final paragraph of the guidance.

6. Please add any other comments you may have about the draft guidance

It may be helpful to reduce duplication of the content of the legislation within the guidance.

Further dialogue on the development of guidance materials, for example with CLD Managers' Scotland, would be welcomed.

Section 3

We see the guidance on the CLD Regulations as one part of the support to the CLD Sector in meeting the requirements set out in the CLD Regulations and implementing the CLD Strategic Guidance to Community Planning Partnerships. As we move towards the requirement for plans in each Education Authority by Sept 2015 we intend developing further support materials, including examples of different approaches to planning and we welcome your suggestions.

7. Are there other specific materials or methods that you think could usefully accompany the guidance on the CLD Regulations? If so, what are they?

It would be useful to accompany the guidance with the a package of the core documents for CLD, starting with the Strategic Guidance, already provided as an appendix, and including the Standards Council Competence Framework and Code of Ethics and the core elements of HGIOCLD2 together with signposting to the full document. Links to examples of good practice would be useful

**8. Do you have suggestions and ideas for follow-up support that should be provided?
If so, what are they?**

As indicated above, follow-up support is critical for the impact of the SSI. It should be sustained over time, it should be delivered as a coherent programme with a core focus on implementation of the Strategic Guidance, with meeting the requirements of the SSI as an integral part of this, and it should be delivered by the national agencies working together in an integrated way with clear leadership from the Strategic Implementation Group. It should be informed by continuing dialogue between Education Scotland, other national partners and the wider field.

Maximising direct engagement with CLD partners across the 32 local authority areas should be a key part of the programme of support. This should be accompanied by regular updates and other support materials responding to identified needs and ensuring that the implementation of the Strategic Guidance is informed by developments in policy while maintaining focus and direction.

It is important that the engagement should extend beyond the local authority to other key partners, including those representing voluntary sector interests and those focusing on particular aspects of the CLD agenda including youth work, adult and family learning and community capacity building. The involvement of all the national agencies, making use of their networks, with the SIG and Education Scotland playing a key role in ensuring consistency and coherence, will be crucial in achieving this deeper engagement.

Feedback from engagement with the field should inform the continued development of the programme and advice to Ministers on progress and on issues requiring their attention.

The Standards Council will aim to provide a particular focus on working with the field to improve the quality of practice within the overall programme of support as it develops.