

Community Planning under the Community Empowerment (Scotland) Act 2015: Consultation on Draft Guidance Questions

Q1: The guidance identifies a series of principles for effective community planning.

Do you agree with them? Should there be any others?

Please explain why.

The principles currently focus on the role of Community Planning Partner (CPP) organisations mostly in terms of leadership, strategy and governance, with a focus on engagement between CPP organisations both within the partnership and externally with community bodies. However, in Community Planning structures, there are often power imbalances within the organisations themselves which limit the effectiveness of Community Planning. Dealing with these power imbalances in order to ensure effectiveness is arguably necessary for CPP organisations to meet the purpose of Community Planning as set out in Section 2(4) of the Community Empowerment Act, namely "...improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons listed in schedule 1."

Staff with significant knowledge and expertise often feel their voices are not heard, or are deliberately suppressed, by those with decision making power. From an equalities point of view, this is of particular importance where vertical occupational segregation creates a decision making structure which limits the influence of people who are at risk of facing discrimination and inequality connected to protected characteristics. The perspective of these people are largely absent from, or undermined within, power structures such as CPP Strategic Boards and Executive Groups. This can lead to policy and practice which maintains inequality rather than tackling it.

It is therefore suggested that an additional principle should be added on addressing power imbalances within Community Planning organisations and structures. This principle would require CPP organisations to monitor how representative their decision making structures are, and also to take steps to involve and engage with staff at all levels, with particular emphasis on groups of staff with protected characteristics and groups of staff with public-facing roles (who are likely to understand more about the experiences of service users who face disadvantage in accessing services). The evidence from engagement with staff should be treated in a similar way to the evidence from community engagement.

Q2: The draft guidance sets out common long-term performance expectations for all CPPs and community planning partners. Each CPP will adopt its own approach towards meeting these expectations, reflecting local conditions and priorities. Even so, do you think there are common short- or medium-term performance expectations which every CPP and partner should be expected to meet? If so, what are they?

In order to support the effective implementation of the requirements on community participation and co-production, it would be useful to have a requirement to report on how this activity is being carried out on a quarterly basis (in addition to the annual progress reporting already suggested within the draft guidance). This could be in the form of a brief overview, submitted to the CPP Strategic Board or equivalent body and made publicly available as part of their papers. This should set out who has been involved and the action taken or changes made as a result of the involvement. The aim of this would be to encourage CPP and the partners within it to engage on an ongoing basis, avoiding the current tendency to focus on occasional large scale involvement exercises which often result in community bodies becoming swamped with requests for engagement at certain times, and ignored at others.

Q3: The 2015 Act requires CPPs to keep under review the question of whether it is making progress in the achievement of each local outcome in their LOIP and locality plan(s). CPPs must from time to time review their LOIP and locality plan(s) under review, and to revise them where appropriate. Even with this, do you think the statutory guidance should require CPPs to review and if necessary revise their plans after a specific period of time in every case? If so, what should that specific period be?

Yes No

Please explain why.

Specific review periods are important in order to ensure that local outcomes remain appropriate, and to offer the opportunity to identify how and why some outcomes may not be progressing. The previous timescale for Single Outcome Agreements (10 years) could arguably be considered too long; demographic, economic, social and political changes within local areas can be dramatic over this period of time.

We would suggest that a review every four years would be appropriate. This would coincide with Local Government electoral cycles, which has benefits for ensuring elected representatives of local communities have buy-in to the LOIP and Locality Plans. As the requirement is only to revise 'where appropriate' and ongoing progress monitoring will be in place, this should not be unduly burdensome. It is understood that many of the outcomes set will be longer term goals, but these can be retained for as long as needed through successive reviews.

Q4: What should the statutory guidance state as the latest date by which CPPs must publish progress reports on their local outcomes improvement plans and locality plans?

4 months 6 months Other

If other please provide timescale. Please explain why.

Q5. Do you have any other comments about the draft Guidance?

We believe that the draft guidance does not sufficiently acknowledge the constraints faced by partners and stakeholders with less influence in decision making when

engaging in Community Planning processes and structures. Although the expectation is that 'shared leadership' will be demonstrated by all partners, this will not be possible where large public sector partners which have traditionally taken the lead on Community Planning (particularly Local Authorities but also Health Boards) still hold the majority of decision making power in practice.

We are aware, for instance, that in many areas Third Sector Interfaces are not treated as equal partners in the Community Planning environment and in fact struggle to be heard, despite being entitled to participate. In these areas, given that this is the experience of the major representative grouping for civil society, the chances of community representatives being able to engage on an equal footing are very slim.

Although the legislation itself does not lend much scope to address this fundamental problem in an enforceable way, it would be possible for the draft guidance to make more detailed requirements on creating cultural shifts within partner organisations to allow genuine collaboration. One example of this could be a requirement to include information on the influence of each partner in major decision making processes within the annual LOIP progress report.

Concerns can also be raised about the lack of emphasis on the capacity of Community Planning Partners to effectively conduct community engagement. At present, the capacity building focus is on community bodies and representatives. In fact, in many areas there are significant numbers of active community bodies who have pressed for greater involvement in community planning over many years. In these cases, the problem lies in the failure of CPP organisations to respond openly and positively, to conduct community engagement exercises in an effective manner and to act on the results of community engagement appropriately.

There is also inadequate recognition of the burden participation in resource-intensive activities such as co-production places on community bodies, and the difficult position community bodies receiving funding from CPP organisations for other work will face if expected to add these activities to their existing output without further resourcing. We are aware of previous instances where similar demands have been made on community groups, damaging already fragile relationships with public bodies.

Whilst the requirement for annual progress reports on the LOIP to detail how the CPP has participated with community bodies should go some way towards encouraging improvement, the fact that there is currently no mechanism for community bodies to challenge poor practice will weaken this. Public sector approaches to compliance with the Scottish Specific Public Sector Equality Duties¹ requirement to involve people with protected characteristics and their representatives have shown clearly that a requirement to involve does not always create a positive impact. Significant national scrutiny of progress reporting, with confidential involvement from community bodies, will be required in order to establish whether the proposed approach is sufficient.

¹ The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

Q6. We propose that the draft regulation for locality planning should set one criterion only, which is a maximum population permissible for a locality. Do you agree? What are your reasons?

Read in conjunction with Sections 9 and 10 of the Community Empowerment Act, it appears that the sole purpose of the draft regulation for locality planning is to establish what a locality should be in geographical terms. Assuming that this is the case, the single criterion would be appropriate.

However, if there is scope within this regulation to strengthen accountability by requiring Community Planning Partnerships to demonstrate an evidence based approach to locality designation as per the provisions within the Community Empowerment Act, this would be a positive step. For example, the regulation could require that for those localities selected as the subject of a locality plan, Community Planning Partnerships must publish a statement summarising the evidence used to establish selection and justifying any instance where they have not selected an area with greater evidence of socio-economic inequality than those selected.

Q7: The draft regulation sets a maximum population size for localities subject to locality planning of 30,000 residents. It also proposes an exception which allows a CPP to designate a local authority electoral ward as a locality even where its population exceeds 30,000 residents. Are there circumstances in which these criteria would prevent a CPP from applying a reasonable approach to locality planning? What difference would it make to how localities were identified for the purposes of locality planning in the CPP area(s) in which you have an interest, if the maximum population size were set at (a) 25,000 residents or (b) 20,000 residents?

Using Census 2011 postcode level data for Glasgow areas to test the possible implications, setting a lower limit such as 25,000 could make it impossible to designate an area such as Greater Easterhouse as a locality. This would be the case even with the electoral ward provision, as the area stretches across more than one electoral ward. For Glasgow, where areas of deprivation cover large sections of the city, a higher limit may even be appropriate – for example 35,000.

Q8: Do you have any other comments about the draft Regulation?

N/A.

Q9: Are there any equality issues we should be aware of in respect of local outcomes improvement plans and locality plans?

The previous guidance on Single Outcome Agreements (SOAs) specifically explained the relationship between the SOA and the Scottish Specific Public Sector Equality Duties (SSPSED) applicable to individual CPP organisations. In particular, it detailed the expectation that CPP partners would consider the links between SOA and their own Equality Outcomes. It would be beneficial to replicate this in the new guidance (including listing SSPSED within Part 6) and to also highlight the role of Equality Impact Assessment. New or revised policy within listed public bodies must

be Equality Impact Assessed, and for individual public sector partners, this will include work which contributes to deliver of the LOIP and Locality Plans.

Although they are not currently legislatively obliged to do so, CRER would strongly recommend that Community Planning Partnerships should conduct Equality Impact Assessment on the LOIP and Locality Plans collectively to ensure they meet the needs of protected characteristic groups and do not create risks of entrenching inequality. This is a particular risk because of the emphasis on place based policy, which has been shown to fail people with protected characteristics.² There is also an ongoing tendency in place based policy making to problematize people who live in an area, rather than focussing on the economic and structural factors impacting their life experiences and inward / outward migration patterns within the area. In our experience, this has particular impact on people with protected characteristics as policy makers tend to view the inequalities associated with these characteristics as endemic to the people themselves, rather than something imposed by discriminatory attitudes and structures designed without thought to their needs.

The wording of the draft guidance frequently seems to confuse issues of equality for people with protected characteristics and socio-economic equality, sometimes conflating these concepts or citing them interchangeably. This is likely to worsen any potential lack of focus on equality in Community Planning, as socio-economic issues are often a higher priority within CPP organisations and equality issues for people with protected characteristics are often poorly understood. It is imperative that each of these separate (though linked) agendas are given adequate consideration.

In light of this, we would further recommend that Scottish Government considers amending the Scottish Specific Public Sector Equality Duties Schedule of Listed Public Authorities to include any Community Planning Corporate Bodies created under Section 17 of the Community Empowerment Act. This would close the current loophole which obliges CPP organisations to comply with SSPSED as individual organisations but not as a Community Planning Partnership. In our experience, the practical interpretation of this is often that work considered by those organisations to be Community Planning Partnership activity as opposed to individual activity is not being treated as subject to SSPSED, and therefore not requiring consideration in regard to the setting of equality outcomes, mainstreaming equality or equality impact assessment.

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² Matthews, P., Netto, G. and Besemer, K. (2012). 'Hard to Reach' or 'Easy to Ignore?' A Rapid Review of Place-Based Policies and Equality. Edinburgh: Heriot-Watt University.