



scottish  
community  
development  
centre

# Getting in on the Community Empowerment Act Awareness-Raising Session

Falkirk – 13/2/18

# Key aims of the Act

- Prevention in communities before problems arise
- Co-ordination within and between services
- Rooted in rights and tackling inequality
- Co-production – with communities for better services
- Partnership with communities – of “place” & of “interest or identity”

# What's in the Act?

**National  
outcomes**

**Asset  
transfer**

**Supporter  
involvement in  
football clubs**

**Common good property**

**Community  
planning**

**Participation  
requests**

**Participation duties**

**Allotments**

**Community right  
to buy land**

**Forestry**



# CE Act – Key Elements

## Part 1 – National Outcomes

Government must consult on, develop and publish a set of national outcomes; regularly and publicly report progress towards these outcomes; and review them at least every five years. Public authorities must have regard to the national outcomes in carrying out their functions.

## Part 2 – Community Planning

Places Community Planning Partnerships (CPPs) on a statutory footing with expanded membership. New requirements for LOIPs and Locality Plans. Focus on supporting community involvement and tackling inequality.

# CE Act – Key Elements

## Part 3 – Participation Requests

New processes for communities to have their voices heard in decision-making and service delivery.

## Part 4 – Community Right to Buy

Extends community right to buy (Land Reform Act 2003) to urban as well as rural areas.

Enables communities to purchase land which is abandoned, neglected or causing harm to the environmental wellbeing of the community, where the owner is not willing to sell that land.

## Part 5 – Asset Transfer

Community bodies can make requests to a wide range of public bodies, for any land or buildings they feel they could make better use of. They can apply to use, lease or buy outright.

# Other parts of the Act

- Input to decisions - Common good assets
- Encouraging more and better allotments, and requirement to develop food-growing strategy.
- Community involvement in forestry
- Football supporters rights
- Participation Duty – e.g. participatory budgeting

# Part 2: Community Planning

Community planning helps public agencies to work together and with their local community to plan and deliver better services which make a real difference to people's lives. (Part 2 Community Planning: Plain English guide)

CPPs must...

- involve community bodies at all stages of community planning and support them to do this
- focus on tackling inequalities
- produce Local Outcome Improvement Plans (LOIPs) which replace Single Outcome Agreements (SOAs)
- Produce “locality plans” for communities experiencing particular disadvantage
- Report on these plans and on community involvement

# Community involvement in Community Planning

## Community Participation and Co-production

- CPP (and CP partners) work with community bodies to ensure that everyone who can contribute are able to do so (and to the extent that they wish to do so)
- CPP (and CP partners) have a clear understanding of needs as a result of effective participation with communities
- Effective participation informs decisions about CP priorities, shaping of services, and deployment of resources
- Effective participation informs how the CPP manages and scrutinises performance and progress
- The CPP embraces the principles of effective co-production which is aimed at combining the mutual strengths and capacities of all partners (including community bodies) to achieve positive change

## Part 3: Participation requests

A new way for communities to have their voices heard in how services are planned and delivered.

- Community groups can request to participate in an outcome improvement process
- Presumption - services **should respond positively** or **explain why not**
- Act states that groups should be **provided with support** for this
- Applies to communities of **place, interest and identity.**

# Potential Uses

Participation Requests could be used to:

- Help people start a **dialogue** about something that matters to people in their community
- Help people have their voice heard in policy and service development, through **contributing to decision-making processes**
- Help people to participate in the design, delivery, monitoring or review of service provision, through contributing to **service change** or improvement
- Help people challenge decisions and **seek support for alternatives** which improve outcomes.

# Who can make a participation request?

## Requirements for community participation body

- A definition of the community
- Majority of members are members of that community
- Membership is open to any member of that community
- Statement of aims and purposes
- Surplus funds are to be applied to the benefit of the community

# Who can a participation request be made to?

- Local authorities
- Health Boards
- The board of management of a college of further education
- Highlands and Islands Enterprise
- National Park Authority
- Police Scotland
- Scottish Enterprise
- The Scottish Environment Protection Agency
- The Scottish Fire and Rescue Service
- Scottish Natural Heritage
- Regional Transport Partnerships

# How to make a participation request

The community body must:

- Specify an outcome that it thinks can be improved
- Set out the reasons why it should participate
- Provide details of knowledge, expertise and experience
- Explain the improvements that may arise in the outcome as a result of its participation in the process

# Getting Started - checklist

- We have an issue, a concern, an idea or an opportunity that we want to explore
- We want to do something about it
- We have knowledge, skills, experience that we can bring
- We're clear about the outcome(s) we want to improve and we know which public service authority we need to speak to
- We are an eligible group
- We haven't had an opportunity to do anything about this before or the processes we have been involved in haven't worked satisfactorily

# What do we need to do? - action list

- Speak to someone at the public body about our issue/concern/idea/opportunity – check that this is the appropriate public body
- Check to see what support is available (if we need it) to submit our PR, and where this might come from (e.g. Council, Health, voluntary sector, community development trust, etc.)
- Fill out the form and submit it to the relevant public authority
- Wait on the response – provide other information if required (*the authority must agree to the request unless there are reasonable grounds not to do so*)

# The Outcome Improvement Process – key elements

- Discussion with the lead public service authority (and other appropriate partners) about what steps need to be taken to achieve our aims.
- An agreed plan put in place which clearly identifies responsibilities of all partners, timescales, feedback and reporting mechanisms.
- Implementation of the outcome improvement process with regular feedback and monitoring reports, and agreed alterations to timescales (if required).
- Final reporting and review – opportunity for all partners (including community participation bodies) to reflect on progress made, targets not met or still to be achieved, and any further actions needed.

# Participation Requests in practice

- Community engagement in Planning processes:  
After a Planning decision had been made – Participation Request from a Community Council to the local Council for greater community involvement in how the area of land should be used/developed. Request approved and outcome improvement process established through a wide-ranging community engagement process undertaken by the local Council. The results of this process will be fed into the selection process for the developer.
- Use of Police Office:  
Participation Request submitted by a Community Council to Police Scotland to be involved in a process around the future use or disposal of a local police office which had been closed. Request approved and process underway to allow Community Council (and other local groups) to contribute their ideas/views as part of this process (*potential to lead to asset transfer*)

# Participation Requests in practice

Blairmore Village Trust submitted a participation request to Argyll and Bute Council to take part in outcome improvement process to improve the state of a local road. The request also asked for the National Park to be involved. Request to be involved in dialogue with public bodies and local landowners about maintenance and upkeep of a local road. Request approved and process underway.



- Community Development Team at Argyll & Bute Council has advised on the process
- Trust has found process easy so far and hopes it will be a 'more effective route' to a sustainable outcome
- Trust likes the fact that public service authority had to respond

# Challenges and Opportunities

## Challenges

- Danger of 'tokenism'
- Lack of resources – to support the process, and to respond to requests
- Scrutiny and accountability
- Danger of 'silo' approach to overall Act implementation

## Opportunities

- Act provides a clear basis for a 'robust' approach
- More joined up approach between public bodies and other support organisations
- Reporting requirements – quality not just quantity
- Guidance and 'read-across' between e.g. PRs and asset transfers, etc.

# Making a Request

Using the checklist provided consider what you might use the Participation Request process for, or how you might support other local groups to use it.

# More information

- Find out more about SCDC's work at [www.scdc.org.uk](http://www.scdc.org.uk) and for our page on the Community Empowerment (Scotland) Act go to: [www.scdc.org.uk/what/community-empowerment-scotland-act/](http://www.scdc.org.uk/what/community-empowerment-scotland-act/)
- Scottish Government FAQ page on Act [www.gov.scot/Topics/People/engage/CommunityEmpowermentBillFAQs](http://www.gov.scot/Topics/People/engage/CommunityEmpowermentBillFAQs)
- The full Act: [www.legislation.gov.uk/asp/2015/6/contents/enacted](http://www.legislation.gov.uk/asp/2015/6/contents/enacted)