



## **Community Empowerment (Scotland) Bill - Briefing for Stage 1 Debate. Tuesday 3<sup>rd</sup> February 2015**

**We welcome the Local Government and Communities Committee stage 1 report and the opportunity to provide this joint briefing for the Stage 1 debate.** As a group of organisations we developed a range of proposals that we believe would strengthen the Bill and help to ensure that that legislation addresses Scotland's most significant inequalities and empowers communities across the country.

There are aspects of the Committee's report that are very encouraging and positive and which show support for our original proposals. At the same time there are areas where the Committee have been less supportive of our views and we will use this briefing to renew the case for these positive amendments to the Bill at Stage 2.

### **Welcome Developments**

We very much welcome the Committee's assertion that engagement and consultation with the aim of empowering communities should be enshrined in legislation (para107). We support the Committee's view that Part 1 of the Bill should be amended to reflect this when preparing the National Outcomes. We also welcome the requirement for a report to be submitted to the Scottish Parliament in order that outcomes can be subject to scrutiny. There is a need to conduct a participative engagement exercise when determining the National Outcomes to ensure the Scottish Government's priorities are aligned with the priorities of the people of Scotland.

### **Our Recommendations**

#### **Participatory Budgeting**

*The Bill should require each Community Planning Partnerships to set aside 1% of their annual budget, to be decided upon through an appropriate community participation process or processes, and assess the impact of doing so with a view to further embedding this approach.*

#### **Strengthening the right to request to participate**

*The Bill should set out an arbitration and appeal role for the Scottish Human Rights Commission, in the event that there is a dispute about a participation request. There should be an additional order making power for Ministers, that would allow them to set out requirements about how public bodies must support communities to come together, connect, and make participation requests.*

#### **Making community empowerment central to the purpose of Community Planning Partnerships**

*The legislation should require that the local outcomes improvement plan that each CPP must create, is created through a participative process of community engagement*

## National Standards for Community Engagement

*There should be a new power is created that allows Ministers to create statutory regulations for the engagement and empowerment of communities, which all public bodies must follow and regularly report upon.*

*When Community Planning Partnerships are creating a local outcomes improvement plan, they should be required to adhere to the Standards.*

## Details of areas for Strengthening

### Participatory Budgeting

We are disappointed that the Committee report makes very little mention of participatory budgeting. Participatory budgeting has significant potential as a means to devolve money, power and resources to our communities. In parts of Brazil this has had tremendous success stimulating engagement and subsequent investment in public services.

We believe that there is a great deal of enthusiasm for participatory budgeting approaches throughout Scotland. We welcome some of the development work funded by the Scottish Government to look at good practice. Nevertheless it remains the case that there have been limited attempts by the public sector to trial the implementation of participatory budgeting approaches. However, in recent years where participatory budgeting has been used on a small scale in Scotland there is evidence to suggest that its application has been transformative in increasing local democratic participation and community involvement, leading to stronger and more cohesive communities<sup>1</sup>. On that basis, we reiterate our belief that there should be a new duty on community planning partnerships to set aside a small proportion of their annual budget, for communities to decide where it is spent, through a process of participatory budgeting. This could build on pilot work carried out so far and have a particular focus on engaging disadvantaged communities.

#### ***We recommend:***

- **That the Bill requires each Community Planning Partnerships to set aside 1% of their annual budget, to be decided upon through an appropriate community participation process or processes, and assess the impact of doing so with a view to further embedding this approach.**

### Strengthening the proposed 'Right to request to Participate'

In our original [briefing on the Bill](#) we welcomed that the proposals set out participation requests, as a right of communities – the involvement in decision-making is very much a human right. However, we argued and continue to argue that in order that this right can be fairly and equitably exercised by all communities, **there must be a clearer arbitration and review mechanism.**

The current proposals give the public body the power to decide whether to accept or decline requests, as well as how to facilitate requests. We acknowledge that the Committee recommends that complaints to the Scottish Public Services Ombudsman (SPSO) are separately identifiable and reported annually (para 269). This should allow for scrutiny of what requests are being rejected and why. We do however believe that this can be taken further with an explicit right of appeal on the face of the Bill when a participation request is turned down.

---

<sup>1</sup> [http://www.gcph.co.uk/publications/321\\_participatory\\_budgeting-learning\\_from\\_govanhill\\_equally\\_well\\_test\\_site](http://www.gcph.co.uk/publications/321_participatory_budgeting-learning_from_govanhill_equally_well_test_site)

Nevertheless we believe that a third party must be able to act as the protector of this right, through a challenge mechanism or appeals procedure, and we suggest that the Scottish Human Rights Commission could be an appropriate body.

In addition, we would suggest that public bodies should not only be passive recipients of participation requests. There should be a clear role for public bodies in bringing together and connecting communities, especially communities of interest such as young care leavers, removing barriers to participation and supporting communities to take advantage of their rights to request participation, and their other community empowerment rights.

***We Recommend:***

- **That the Bill sets out an arbitration and appeal role for the Scottish Human Rights Commission, in the event that there is a dispute about a participation request.**
- **That there is an additional order making power for Ministers, that would allow them to set out requirements about how public bodies must support communities to come together, connect, and make participation requests.**

***Making community empowerment central to the purpose of Community Planning Partnerships***

The Committee make a number of important observations in their report. For many communities it is the case, as noted in the report, that they are not directly involved with CPPs (para173). Moreover many lack the capacity to participate in a meaningful way. It is then welcome that the Committee recommend that there should be an explicit requirement on CPPs to include community capacity building in local plans as well as requiring them to report on progress annually. This is particularly important for disadvantaged communities where their capacity to engage in CPP processes can be severely inhibited.

Whilst this is welcome we believe that in the spirit of the Christie Commission, we must ensure that, communities come together with agencies to co-produce their public services. To do this it is essential that the development of local outcomes improvement plans should be developed through a participative process of community engagement.

There should be duties on CPPs that reflect this, and that require them to involve people who live and work in the local area in local decision making, and the deciding of outcomes. This must go beyond consultation to **participation** in the decision making process.

The need for this change is supported by the 2013 Audit Scotland report on Community Planning<sup>2</sup>, which found that:

*“Community planning takes account of a wide range of consultation activity, but there is a long way to go before services are truly designed around communities and the potential of local people to participate in, shape and improve local services is realised”*

This change would also join the dots between different sections of the Bill. At the moment the sections of the Bill about the empowerment of communities, and the sections about public service reform sit in isolation from each other. This change would help make the empowerment of communities the common thread underpinning all of the Bill.

---

<sup>2</sup> “Improving community planning in Scotland”, Audit Scotland, March 2013, [http://www.audit-scotland.gov.uk/docs/central/2013/nr\\_130320\\_improving\\_cpp.pdf](http://www.audit-scotland.gov.uk/docs/central/2013/nr_130320_improving_cpp.pdf)

***We recommend:***

- **The legislation should require that the local outcomes improvement plan that each CPP must create, is created through a participative process of community engagement.**

**National Standards for Community Engagement**

Throughout Stage 1 we argued that National Standards for Community Engagement were a vital foundation to the meaningful participation of communities. As the Committee reports, the implementation of the standards across Scotland is variable (para 229). The Minister has indicated he will lodge an amendment at stage 2 to strengthen accountability in community planning partnerships by making reference to the national standards of engagement. We welcome the Committee's expectation that this should 'apply widely and cover all instances of engagement under the Bill' (para34).

We continue to believe that there should be a statutory requirement to implement the standards beyond community planning. As a reason not to legislate the Committee makes an important point in relation to having flexibility to react to the ways in which participation techniques develop (para229). **Nevertheless a balance could be struck between having a duty requiring standards to be implemented and allowing for the flexibility to develop standards which takes account of changing methods. This could be set out in guidance.**

***We recommend:***

- **That a new power is created that allows Ministers to create statutory regulations for the engagement and empowerment of communities, which all public bodies must follow and regularly report upon.**
- **When Community Planning Partnerships are creating a local outcomes improvement plan, they should be required to adhere to the Standards.**

**Further Information**

For further information please contact:

Eddie Follan  
Public Affairs Officer, Barnardo's Scotland  
[eddie.follan@barnardos.org.uk](mailto:eddie.follan@barnardos.org.uk)  
0131 446 7077

Francis Stuart  
Research and Policy Adviser, Oxfam Scotland  
[fstuart@oxfam.org.uk](mailto:fstuart@oxfam.org.uk)  
0141 285 8859

Carla McCormack  
Policy and Parliamentary Officer, Poverty Alliance  
[carla.mccormack@povertyalliance.org](mailto:carla.mccormack@povertyalliance.org)  
0141 353 0440