Oxfam response to Local Government Committee and Regeneration Committee’s call for evidence on the Community Empowerment Bill

Oxfam works to overcome poverty at home and abroad. In Scotland we do this in three ways: we work with community groups and people living in poverty to develop projects, improve lives and show how things can change; we raise public awareness of poverty to create pressure for change; and we work with policy makers to tackle the causes of poverty.

We welcome the opportunity to give evidence to the Committee on the Community Empowerment Bill. While supportive of many of the proposals contained in the Bill, we do have a general concern that by empowering the already empowered, the Bill could in fact accentuate, rather than reduce, inequalities.

To address this we believe the Bill, subsequent guidance and related Government strategies and activities need to give more focus to addressing poverty and inequality. As well as providing legislative rights to communities and removing barriers to engagement, we need to provide resources to – and build capacity in – our most deprived communities.

Oxfam’s specific proposals include, ensuring:

- The national outcomes – currently reflected in Scotland Performs – are developed through a genuinely participative process.
- The national standards for community engagement are placed on a statutory footing.
- Community Planning Partnerships develop their local outcomes improvement plans through a genuinely participative process that reaches out to the most deprived communities.
- Participation requests are strengthened by ensuring deprived communities are aware of their rights, supported to access their rights and are able to appeal against decisions.
- Participatory budgeting is taken forward across Scotland.

We also support the submission produced in collaboration with Barnardo’s Scotland, the Poverty Alliance and supported by a range of other organisations entitled ‘Strengthening the Community Empowerment Bill to empower every community in Scotland’.

1. To what extent do you consider the Bill will empower communities, please give reasons for your answer?

Several of the proposals in the Bill could, potentially, empower communities. This includes Parts 2 and 3 on community planning and participation requests, which along with Part 1 are of particular
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interest to Oxfam. We believe the Bill provides an opportunity to further community empowerment in Scotland.

Our main concern is that unless a concerted effort and specific resources are provided to engage and support our most deprived communities, the Bill may:

a) Allow better-off communities to utilise the various mechanisms contained in the legislation to become more empowered, thereby accentuating inequalities.

b) Fail to ensure that public sector planning and service delivery is designed with our most deprived communities at the forefront, thereby reducing inequalities and prioritising prevention.

We would also question the statement contained in the Policy Memorandum that:

“The Scottish Government is clear that it is important that community voices are heard in public sector processes, but that this engagement differs from community empowerment, where communities lead change for themselves.”

While recognising that there is a difference between community led activity and public sector led engagement with the community, we do not see any reason why genuinely participative processes initiated or funded by the public sector – such as participatory budgeting – cannot also be empowering for our communities.

Below we outline some specific proposals to ensure we empower all of Scotland’s communities.

2. What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?

If significantly improved, many of the provisions in the Bill could lead to greater involvement of people and communities in the design and delivery of plans and services. Given that public services that involve their users, and Governments which involve their citizens, are likely to be of higher quality and be more responsive to the people they seek to serve, this would lead to better outcomes for the communities and public sector organisations. It would also recognise that policy generated in this way is likely to be more successful and sustainable.

Oxfam believes there is significant potential to improve the Bill in relation to Community Planning. The Policy Memorandum states local outcomes improvement plans should “provide a clear plan for place, focused on prevention and reducing inequalities.” Yet the Bill provides no comfort or guarantee that this will be the case. We suggest that as well as core duties for CPP partners to participate in CPPs, the Bill needs to ensure that the core purpose – and starting point – of CPPs should be to strengthen their engagement with the local community. Such a process of community engagement needs to be undertaken when developing local outcomes improvement plans and could be modelled on the participative approach embedded with the Oxfam Humankind Index.

Oxfam’s Humankind Index for Scotland aimed to find out what really matters to people, particularly the most disadvantaged. Developed through widespread public consultation, including focus groups, community workshops, street stalls and an online survey, the Oxfam Humankind Index enables
Scotland to measure itself by those aspects of life that make a real difference to people, particularly the most disadvantaged. The factors or ‘sub-domains’ that make up the index are detailed in the table below:

These priorities are matched with Scotland-wide data indicators (from a range of sources including the Scottish Household Survey and the Scottish Social Attitudes Survey) allowing progress against the Oxfam Humankind Index to be measured. This shows that efforts to create nuanced performance frameworks – which embed the genuine priorities of individuals and communities – is
possible. More importantly however, it shows that communities and individuals can define what matters to them in a way which is often very different to the priorities of policy-makers.

Of course, what is important to people will differ from area to area, so it is crucial that outcomes are decided by the community for the community. We believe the Oxfam Humankind Index could be replicated for each of the 32 CPPs. Such a process would, as well as identifying what the community thinks is important, have the added benefit of building common ownership of CPPs across statutory partners and community bodies, ensuring CPPs are not simply seen as a local authority led exercise. It also meets many, if not all, of the principles for stronger democracy outlined in the recent Commission for Strengthening Local Democracy report.

**Specific, additional concerns around Part 2 on Community Planning**

In addition to our comments above, we have some specific concerns with the draft legislation:

Section 5 (3) states that: “In preparing the local outcomes improvement plan a community planning partnership must – consult such community bodies as it considers appropriate”. We are concerned about this reference to “consult” and believe this should be strengthened so that community bodies and others participate in the initial process of co-producing the local outcomes improvement plan.

We have a slight concern that certain, admittedly well-meaning, sections of the legislation that aim to increase community engagement in community planning could lead to ‘box ticking’ consultations. For example section 4 (5) seeks to ‘secure the participation of appropriate community bodies in community planning, and to take steps to enable them to participate to the extent they wish to’. While this is not a concern in and of itself – and reference to participation rather than consultation is welcome – we believe that there needs to be a recognition that the ultimate beneficiaries of Community Planning are individuals. While many community bodies do an excellent job of representing individuals, some don’t. There is a risk that CPPs will simply consult a couple of third sector groups and tick the ‘community consulted’ box. While community bodies, the voluntary and third sector are a crucial plank in reaching individuals, we must not lose sight of the main aim of benefiting the lives of individuals and this should be reflected within the provisions of the Bill.

3. Do you consider communities across Scotland have the capabilities to take advantage of the provisions in the Bill? If not, what requires to be done to the Bill, or to assist communities, to ensure this happens?

No, we do not consider that all communities in Scotland have the capabilities to take advantage of the provisions in the Bill. In addition to our comments relating to Community Planning outlined above, we believe a number of further measures should be taken:

**National Standards for Community Engagement**

The Policy Memorandum states: “There is a strong history of the public sector engaging with communities across Scotland. In particular, local authorities have used a variety of engagement methods over the years and have promoted the use of tools like the National Standards for Community Engagement (Communities Scotland, 2005 – now available, with support materials,
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from the Scottish Community Development Centre). The Scottish Government sets clear expectations that all public sector organisations must engage with communities and support their participation in setting priorities and in the design and delivery of services.”

While this is welcome, as the Audit Scotland report into Community Planning stated: “there is a long way to go before the potential of local people to participate, shape and improve local services is realised”.

We believe the Bill provides an opportunity to place the national standards for community engagement on a statutory basis. This would ensure that during the development of the National Outcomes (Part 1) and Local Outcomes Improvement Plans (Part 2) best practice in community engagement is adhered to.

Such a proposal seems to chime with the Commission for Strengthening Local Democracy report, which states: “The right of individuals and communities to local democracy needs legislative expression through a clear duty in law to support and resource participation in decision making. Democratic innovations such as deliberative assemblies, participatory budgeting and citizen scrutiny of public services should also become the standards by which this is delivered in Scotland”.

Socio-economic and community wellbeing assessments

In order to ensure that the priorities of the Scottish Government and Community Planning Partnerships do not accentuate inequalities, we believe there needs to be a specific socio-economic impact assessment applying to the National Outcomes and Local Outcomes Improvement Plans.

We also believe that for Local outcomes improvement plans to provide a genuinely “clear plan for place, focused on prevention and reducing inequalities” (as stated in the Policy Memorandum) there needs to be an assessment of: which communities make up the local area; who comprises the most vulnerable, excluded or ‘seldom-heard’ communities within the local area; and an analysis of future trends. Such an assessment, which would be undertaken before an engagement exercise to determine local outcome improvement plans, could be modelled on the Welsh ‘Future Generations’ Bill.

4. Are you content with the specific provisions in the Bill, if not what changes would you like to see, to which part of the Bill and why?

Below we set out various concerns and proposals in relation to Parts 1 and 3 of the Bill as well as specific proposals for Participatory Budgeting.

Part 1 - National Outcomes

Oxfam have been involved in a series of Round Table meetings chaired by the Cabinet Secretary for Finance, John Swinney MSP. These have been informal gatherings of interested and relevant individuals and organisations to share views and ideas on Scotland Performs. The Carnegie Trust,
nef, Scottish Environment LINK and members from all parties across the Chamber have been involved. The group is exploring ways in which the presentation and coverage of Scotland Performs can be improved along with considering how best to engage with both the public and the Parliament. As such we welcome the proposals to put the National Outcomes on a statutory footing.

However, we do have some concerns in relation to the proposals – not in relation to the work of the roundtable, which from our point of view has been an extremely positive engagement exercise – but in the context of Part 1 of the Community Empowerment Bill.

There is very little in the Bill that would require Ministers to ensure that the National Outcomes are produced through a genuinely participative exercise. If the National Outcomes are to be the core focus of what Government is working to then it is essential that those outcomes are shaped and determined in collaboration by those who will be affected – the people living and working in Scotland. In the same manner as we believe Community Planning Partnerships should undertake an exercise like the Oxfam Humankind Index we also believe this should apply to the Scottish Government; it should lead by example. Similarly, it should also embed the national standards for community engagement and undertake a socio-economic impact assessment.

We would also comment on the Policy Memorandum which suggests that the starting point for the Bill is delivering the Scottish Government’s core purpose: “to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.” To Oxfam, this seems to be a bit back-to-front. Our experience from the Oxfam Humankind Index is that for engagement exercises to be genuinely empowering they need to ask open-ended questions about what matters to people and work forward from there. A genuinely participative process to determine the National Outcomes would start by asking people what they thought the core purpose of Government should be, rather than be asked to support a purpose they had little opportunity to influence.

**Part 3 - Participation requests**

We welcome the proposals for participation requests and asset transfer requests. While recognising that these are generally rights to ‘request’/seek permission, they could lead to helpful processes that allow communities greater influence over the direction of public services and the use of assets. We also welcome the manner in which communities are self-defined in this and other parts of the Bill. This recognises that communities are somewhat subjective entities and at times are conflicting, porous, and almost indefinable.

Having said this we have two significant concerns with the participation requests.

Firstly, there is no mechanism(s) in the Bill to support our most deprived communities take up participation requests. This is particularly important given that more than half the people living in Scotland’s most deprived 20% of areas report difficulties in improving local circumstances, compared to less than one-third of people in the least deprived areas.

Participation requests therefore risk becoming the privilege of already empowered communities with greater capacity to access, navigate and resource such a process. Consideration should be given to how public bodies can provide clear information and potentially financial resource in relation to participation requests – particularly to
deprived communities. Section 9 (3) (b) recognises that funds and resources may be necessary for ensuring the engagement of community bodies in community planning and we see no reason why this shouldn’t be the case in relation to participation requests. As such, the Bill should actively remove barriers to engagement.

Secondly, there is no ability to appeal a decision should a participation request be rejected. This seems particularly strange given that a form of appeals and reviews are available for asset transfer requests (through section 58 and 59). We propose that an independent review process be included in relation to participation requests – with a clear route outlined.

Given that part 3 effectively confers a right to request to participate, we suggest that the Scottish Human Rights Commission (SHRC) may be an appropriate body to adjudicate such appeal, recognising that this may require some changes to the responsibilities and functions of the SHRC.

Finally, to ensure that more focus is given to our most deprived communities we believe socio-economic poverty and inequality should be listed under the matters to be considered in reaching a decision in section 19 (3).

**Participatory Budgeting**

If the aim of community empowerment is to increase the amount of influence or control that communities have over assets and resources and, if public sector spend can be seen as one of those assets (often the most substantial asset in the least advantaged communities), then it follows that communities should have a greater role in deciding how funds should be applied.

One such mechanism for increasing community control of assets and resources is Participatory Budgeting, recognised internationally as a means by which local people can have a direct say in how and where public funds can be best used to address local requirements. In recent years Participatory Budgeting has been used on a small scale in Scotland and there is some evidence to suggest that its application has been catalytic in increasing local democratic participation and community involvement, leading to stronger and more cohesive communities.viii

We propose that community planning partnerships budgets should go towards participatory budgeting.

**5. What are your views on the assessment of equal rights, impacts on island communities and sustainable development as set out in the Policy Memorandum?**

The Policy Memorandum states that empowerment is an important part of a human rights approach. That is welcome. It is also why we believe far greater focus needs to be given to efforts to ensure that the most deprived communities are assisted to make their voice heard.

We would also comment that protected characteristics under the Equality Act don’t include socio-economic factors. Far greater emphasis needs to be given to this if poverty and inequality are to be acknowledged and every community is able to benefit from the measures contained in the Community Empowerment Bill. As mentioned previously, socio-economic impact assessments could be looked at in this context.
See for example: https://allinthistotherwales.wordpress.com/2013/03/14/co-pro-whats-the-advantage-survey-responses/

http://humankindindex.org

These include sovereignty, subsidiarity, transparency, participation, spheres not tiers of Government, interdependency and wellbeing. See: http://www.localdemocracy.info/

http://www.audit-scotland.gov.uk/media/article.php?id=230

http://www.localdemocracy.info/


Oxfam were involved in one such project in Govanhill: http://www.gcph.co.uk/publications/321_participatory_budgeting-learning_from_govanhill_equally_well_test_site