Local Government and Regeneration Committee

Submission Name: Joint Submission
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Strengthening the Community Empowerment Bill to empower every community in Scotland

As organisations we welcome the Scottish Government’s plans to pass a Community Empowerment Bill. However, as organisations working with and advocating with Scotland’s most disadvantaged communities, it is important that the Scottish Government’s proposals help to address Scotland’s most significant inequalities, and empowers communities right across Scotland. We have developed these proposals together, as ways that we believe the Bill can be strengthened, so that all communities, including those who are currently the most disempowered communities, can be empowered through the Bill’s provisions.

A briefing prepared by:

 Supported by:
Standards for Community Engagement
There is much good practice in the public sector when it comes to consultation with communities. However, this practice is not always of a consistently high standard. To genuinely involve communities in the design of public services, the high quality involvement of communities in local decision making must become second nature to public services, as well as being a part of their everyday core purpose.

There are already existing national standards for community engagement, but their implementation is varied across Scotland, and the passing of a Community Empowerment Act would create an ideal moment to renew them and place them on a statutory footing. Requiring all public bodies to adhere to a set of national standards for the engagement of communities, and to regularly report on them, would be a major step advance for the rights of communities to participate in decisions that affect them.

A key part of the standards should be a focus on addressing inequality and empowering Scotland’s most disempowered communities.

More than two thirds of respondents to the Scottish Government’s consultation on this topic in summer 2012 responded favourably to this proposal, including a clear majority of local authorities and other public bodies.¹

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.

Makes community empowerment central to the purpose of Community Planning Partnerships
The new Bill will put Community Planning Partnerships onto a statutory basis, enshrining their existence, and the contributions of public bodies, into law. As the Scottish Government has recognised this is a golden opportunity to improve the functioning of Community Planning.

As things stand, the focus of CPPs tends to be on bringing public bodies together to plan for communities. In the spirit of the Christie Commission, we must fundamentally change this, so that, instead, communities come together with agencies to co-produce their public services. The development of local outcomes improvement plans should be 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 or engagement to participation in the decision making process.

The need for this change is supported by the 2013 Audit Scotland report on Community Planning\(^2\), 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.

**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.

**Strengthening the proposed ‘Right to request to Participate’**

It is welcome that the proposals set out participation requests, as a right of communities – the involvement in decision-making is very much a human right. However, 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 and so on. We therefore 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.

**Participatory Budgeting**

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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, but as yet, 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 some evidence to suggest that its application has been transformative in increasing local democratic participation and community involvement, leading to stronger and more cohesive communities. On that basis, we suggest 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.

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.