



Community Empowerment (Scotland) Bill: Written Evidence on the provisions of the Bill.

Annette Hastings, Professor of Urban Studies, School of Social and Political Sciences, University of Glasgow

I am grateful for the opportunity to contribute to the scrutiny process for the above Bill in written and oral form. I support the development of such a Bill - primarily because of the symbolic support it lends to the idea of giving community bodies a more central role in decision making about the nature and quality of the public services they use. I also support the opportunity it affords to such bodies to take on the management of land and assets where they so wish. The fact that the Bill envisages that the community empowerment agenda is of relevance to communities across Scotland is also to be welcomed. As a consequence the Bill might be expected to challenge the expectation that only disadvantaged communities should be required to voluntarily give of their time and effort if they are to achieve the outcomes from public services that they need.

However, I am concerned that the Bill does not centrally address the issue of inequality between communities. This concern relates mainly to the potential impact of the new right to request participation. It relates in particular to questions 1 and 3 in the Call for Evidence.

Historically a key driver of community development approaches to securing more effective participation has been the belief that more and effective participation might contribute to narrowing the gaps in resources, attention, opportunities and outcomes between more and less disadvantaged communities. However, I am concerned that provisions in the Bill may exacerbate already existing social and economic inequalities by further empowering those who already hold or have access to power. While the Bill and the associated Policy Memorandum acknowledge concerns voiced during the consultation process that communities are not equally equipped to take advantage of the provisions in the Bill, it lacks specific provisions designed to address these concerns. While I appreciate that the Guidance which will be drafted to support the Bill may address this issue in part, I would like to take this opportunity to suggest:

- 1) That the Bill itself should more explicitly recognise that participatory and empowerment processes can empower the powerful. This recognition might be expressed via a clear commitment to hold public bodies to account if they fail to:

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- a) take action to actively promote and provide additional support to participatory processes with disadvantaged communities at levels beyond that provided to better off communities;
 - b) consider the wider implications of participation requests on the outcomes likely to be experienced by other, particularly more disadvantaged, communities as a result of granting the request. In order to achieve this I would suggest an additional provision which might also place a duty on public bodies – when faced with a request to participate from one community body - to identify and invite other community bodies with an interest in the outcome to participate in the outcome improvement process.ⁱ This would supplement Paragraph 49 of the Bill in which public bodies are facilitated to aggregate different requests into one outcome improvement process.
- 2) That the Guidance which accompanies the Bill should be centrally concerned with identifying specific measures, supports and good practice which could help ensure that disadvantaged communities are not further disadvantaged by aspects of the Bill. In particular it should make a clear and prominent link between the new rights in the Bill and the duties set out in the recent CLD Regulations.ⁱⁱ
- 3) That the Scottish Government should put in place a process of evaluation and review of the outcomes of the Bill designed to ensure that the new right to request participation does not result in the displacement of existing community development and engagement activities undertaken by public bodies with disadvantaged community groups. There is a need to build safeguards into the implementation of the Bill which are focused on ensuring that it results in additional levels of engagement in processes to improve the outcomes on public services, particularly amongst disadvantaged groups.

I would like to justify these suggestions with brief reference to the evidence of a series of research studies I have conducted over the past 10 or so years which have sought to understand the processes by which ‘middle class capture’ of public services can occur. The studies build on long standing concerns in both the policy and research communities that better off social groups are often the main beneficiaries of public services. The research offers some insight into how the participation of affluent groups in processes which can impact on the distribution of resources and benefits from public service provision can sustain and exacerbate inequalities. The studies have largely been conducted in collaboration with colleagues from the University of Glasgow and Heriot Watt University.

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A key strand of this work has focused on the distribution of local government environmental servicesⁱⁱⁱ. One study involved a forensic analysis in three case study authorities of the allocation of street cleansing resources in order to understand the differences in workloads between staff providing services in more or less affluent streets. The distribution of staff workloads was then related to cleanliness outcomes. In one Scottish authority, there was clear evidence that better off streets enjoyed higher levels of street cleansing resource than streets which were home to more disadvantaged households. Thus, staff servicing better off streets had smaller workloads in terms of street length and per capita population levels than staff in deprived streets^{iv}. These better off streets also enjoyed the best cleanliness outcomes. There was evidence that this pattern of resource distribution and outcomes had also previously been the case in one of the English case studies.

Evidence from senior and local managers, as well as with 'front line' operational staff, helped to explain this skew of resources and outcomes. It appeared to be a consequence of the participation of better off individuals and community groups in discussions with the local authority over the nature, quality and quantity of street cleansing services. These discussions generally took the form of complaints from individuals and community bodies about the quality or quantity of service received, or took place in fora such as community council meetings. While they were not the result of formal participatory processes, the discussions were focused on improving the outcomes of a particular service for a particular community. The evidence from staff suggested that the regressive pattern of workload allocation evidenced was not the result of a deliberate strategy to skew resource to better off areas, but was rather a consequence of numerous small adjustments to workloads made over a number of years to accommodate the demands of better off communities.

This example illustrates some of the challenges that public authorities will face as they try to be responsive to requests from community bodies to improve outcomes. In the example, improvements in the outcomes in some streets were at the expense of the quality of outcomes in other streets. Given that resources are limited and require to be rationed – and the extra demands placed on rationing by austerity – then the processes encouraged in the Bill could increase the degree of challenge faced by public bodies in this respect.

Indeed, question 2 of the Call for Evidence asks about the advantages and disadvantages of the provisions in the Bill on public bodies. A key disadvantage may be that it increases the expectations held about public bodies with respect to their capacity to improve outcomes. Such bodies may feel compelled to divert resources to particular places or populations, whether or not improving *these* outcomes for *this* particular community is a strategic priority. Our research suggests that a key part of the work undertaken by those working at a range of levels within public services involves 'managing the middle classes': that is, resisting or accommodating the demands of an often vociferous, articulate and well connected social group^v.

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The need for substantial investment and practical support for disadvantaged communities to avail themselves of these new rights is also evidenced by research conducted with Peter Matthews at the University of Stirling. In this work, we demonstrate that there is a systematic bias within many public agencies to be more responsive to the ways in which the ‘sharp elbowed middle classes’ interact with the local state. Our synthesis of research evidence from the UK, US and Scandinavian countries suggested that the language, modes of argument and social connections of better off groups produced an inadvertent ‘alignment’ between these groups of service users and those making decisions within public services^{vi} We also argued that the practical support historically offered to support community participation in poorer communities (community development and CLD approaches focused on building competencies and confidences) can help to offset these disadvantages. In particular, it can help individuals and organisations in poorer communities to develop the modes of speaking and acting which predispose service providers to take their expressed needs and demands seriously – to deem them ‘appropriate’ according to their own value set and world view. This is a key reason for arguing for real practical action and investment in supporting more disadvantaged social groups.

One final issue is in relation to asset transfer requests, and the concern that public bodies may use the provision in the Bill to facilitate the offloading of liabilities rather than assets. My ongoing work with English local authorities involved in ambitious asset transfer programmes as part of their approach to managing severe budget cuts suggests that this will be a real danger in some places. For example, senior officers in one case study council were quite willing to admit on the record that a driver of the asset transfer programme was to transfer the risks, liabilities and future costs of facilities such as community centres and sports pavilions from the council to other bodies^{vii}. Para 77 of the Policy Memorandum suggests the secondary legislation will stipulate what information public authorities will be required to provide to community bodies before they decide to request the transfer of an asset. The Memorandum states that this requirement “may include, for example, information about maintenance costs and energy efficiency”. I would argue that this secondary legislation *must* require public bodies to provide exactly this information.

ⁱ See the response to the second consultation on the Bill submitted by the Neighbourhoods and Wellbeing Research Group, University of Glasgow

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ⁱⁱⁱ See <http://www.jrf.org.uk/publications/environmental-problems-and-service-provision-deprived-and-more-affluent-neighbourhoods> and <http://www.jrf.org.uk/publications/street-cleanliness-neighbourhoods>

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^v [Hastings, A., Bailey, N., Bramley, G., Croudace, R., and Watkins, D.](#) (2014) '*Managing' the middle-classes: urban managers, public services and the response to middle-class capture.* [Local Government Studies](#) . ISSN 0300-3930 (doi:[10.1080/03003930.2013.815615](https://doi.org/10.1080/03003930.2013.815615))

^{vi} See [Hastings, A.](#), and Matthews, P. (2014) *Bourdieu and the Big Society: empowering the powerful in public service provision?* [Policy and Politics](#) . ISSN 0305-5736 (doi:[10.1332/030557314X14080105693951](https://doi.org/10.1332/030557314X14080105693951)) and [Hastings, A.](#), and Matthews, P. (2011) "*Sharp Elbows*": *Do the Middle-Classes have Advantages in Public Service Provision and if so how?* Project Report. University Of Glasgow, Glasgow, UK.

^{vii} <http://www.jrf.org.uk/publications/coping-with-cuts>