The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. It brings together over 700 members, including a large network of national and local third sector organisations, associates in the statutory and private sectors and individuals.

The ALLIANCE welcomes the Local Government and Regeneration Committee’s call for evidence on the Community Empowerment (Scotland) Bill. The Bill has the potential to empower individuals and communities to be contributing, active citizens and encourage greater levels of community ownership and control. We would like to reinforce the message in the Scottish Community Development Centre’s 2013 response to the consultation on the Community Empowerment and Renewal Bill¹ “community engagement is effective if and when it involves developing and sustaining a working relationship between one or more public body and one or more community group, to help them both to understand and act on the needs or issues that the community experiences”.

Consultation Questions

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

Community Planning

The ALLIANCE welcomes the provisions in the bill to make community planning a statutory function and shared responsibility of specified public bodies. Effective community planning has the potential to bring together the totality of partners in a local area whose assets and views are essential in driving change, not only for the purpose of participation, but to co-produce person centred services.

¹ http://goo.gl/BGz83k
We believe, however, that there is an opportunity to strengthen the Bill in order to ensure a more robust system in terms of shared planning and community involvement. For example, while the Bill extends the list of key partners to include a wider range of public bodies, the involvement of community interests appears to be on the terms of statutory agencies, who must “consider which community bodies are likely to contribute to community planning” and “must make all reasonable efforts to secure the participation of such community bodies in community planning”. This language should be strengthened in order to more closely capture the spirit of empowerment which forms the basis for the Bill and to avoid further centralising power with public bodies, as per the recommendations of the Christie Commission\(^2\).

Community planning will be most effective when it can demonstrate back to communities how their desired outcomes and priorities are being listened to and reflected in decision making. In this regard, we believe that further clarity is required within the Bill and accompanying guidance over whether invited community bodies will be considered as full members of the Community Planning Partnerships (CPPs), and if not, what ‘contribute’ can be expected to mean in this context.

At present, Third Sector Interfaces are represented on all 32 CPPs in Scotland. This is a position strengthened by the ‘Agreement on Joint Working on Community Planning and Resourcing\(^3\) which states “Making the most of the total resources available locally means ensuring that the Third Sector Interface is a full community planning partner and drawing on the huge commitment of all those, including volunteers, who work to improve communities.” To consolidate this position, we support Voluntary Action Scotland’s proposal that it is possible to write Third Sector Interfaces, as an advocate for the sector, into legislation whilst excluding them from certain duties places on statutory partners.

**Asset Transfer**

The ALLIANCE welcomes the aims of the Bill in giving the initiative to communities to take ownership or make more effective use of land and buildings, and believe that this process could be supported by the introduction of an asset register. This should be collated by statutory bodies and made readily available to the public in order to promote transparency in the asset transfer system, and should provide sufficient information to enable community bodies to make informed decisions on their viability.


It is important to recognise, however, that the hard work for many community-led organisations will begin after an asset transfer has taken place, e.g. securing funding for refurbishment and ongoing costs. The ALLIANCE therefore believes that additional capacity building is required to ensure that community bodies taking on assets are adequately supported.

The Bill should encourage further proactive work with communities rather than simply encouraging transfer of assets. It provides the opportunity to strengthen this partnership, however there is a possibility that the practical implementation of this legislation will result in either the community taking over an asset or the public body retaining control – when the public body working closely with local communities can often result in the best outcome.

**Capacity Building**

As the policy memorandum recognises, “community empowerment cannot be delivered by legislation alone… the availability of appropriate support, guidance and a culture of nurturing community action are also key”. In order to secure the adequate input from “community bodies” to inform community planning this must be strengthened, with a particular emphasis placed on the duties on Community Planning Partnerships to resource community engagement.

At present, there are no specific proposals for statutory intervention to achieve this capacity building. We support the proposal of Voluntary Action Scotland that the duty on Community Planning Partners should be extended in order to pro-actively develop the capacity for community bodies to exist and develop their knowledge in order to contribute to the community planning process.

“It would be possible to amend 8.1(b) to include a responsibility on statutory partners to provide adequate resourcing of community and third sector involvement. There should also be an onus on community planning partners to produce materials at CPP level in an accessible and timely manner to allow smaller organisations the opportunity to process and prepare their response in order for them to contribute fully to the CPP process. Further to this a mechanism needs to be introduced to allow for a right to appeal should a community bodies application to participate in a CPP be rejected.”

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4 ‘Community Empowerment (Scotland) Bill’, Briefing note and VAS policy statement, 2 September 2014
2. What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?

Strengthened partnership working has the potential to improve outcomes for public sector organisations, communities and people who use support and services and result in long term, preventative savings.

The third sector plays a significant role not only in supporting amplification of the voices of people who use support and services, but as a provider of community-based support that is often preventative and represents high value for money. In light of this, and in order to support the desired culture change in the way in which resources are managed and services are designed and delivered, it is important that the Third Sector is recognised on the face of the bill, which is not currently the case.

There is also a growing interest in ‘asset-based approaches’ in Scotland that recognise that individuals and communities are part of the solution, work with people rather than viewing them as passive recipients of services, and empower people to control their future.

There is also a growing evidence of communities and the third sector being engaged in a range of ways and bringing about the change they wish to see. This works well when people are engaged with local public bodies and feel listened to, but there is clearly an appetite for greater engagement and empowerment, as per the below example.

**Case Study: Partners for Change - Inverclyde**

Like most areas of Scotland public services in Inverclyde are now under increasing strain. In order to sustain services and deliver better local outcomes, the Council and CHCP are taking steps to recast their relationship with the third sector. The first Local Authority area in Scotland to participate in the Partners for Change process, Inverclyde is now implementing wide-ranging action to involve the third sector more fully in service planning, to ensure a level playing field during procurement processes, and to grow the role of the sector in public service delivery. The Partners for Change (PfC) process is a tried and tested approach to securing better local outcomes through improved collaboration with the third sector. In Inverclyde the process involved:

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5 An Assets Alliance Scotland, briefing (December 2010) (prepared for an event held by the Chief Medical Officer, Health and Social Care Alliance Scotland and Scottish Community Development Centre)
6 Case study provided by Social Value Lab and available on [www.discoverthethirdsector.org.uk](http://www.discoverthethirdsector.org.uk)
- Three intensive half-day workshops, each bringing together mixed groups of public sector service heads and commissioning/procurement staff (from the Council and CHCP) with representatives from leading third sector providers.

- Development of an action-oriented Commissioning Improvement Plan focused on maximising the benefits of commissioning health, social care and other services from the third sector.

- Ongoing mentoring and advisory support to help deliver on agreed actions and take the next steps to partnership improvement.

This process was delivered by the Social Value Lab and partners as part of the national Developing Markets for the Third Sector Providers programme. Among the priorities identified in Inverclyde was enabling the third sector to bring to bear its capacity for innovation in the redesign of public services.

A range of mechanisms were agreed to harness this innovation, including the increased use of outcomes-based specifications, introduction of service-focused ‘innovation forums’, and the piloting of one or more Public Social Partnership projects.

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?

Recognising the fact that all communities are different and have different capacities and capabilities, a key issue will be ensuring that they are properly supported to take advantage of the Bill’s provisions on an equal basis. If this is not addressed, there is a danger that the provisions may serve to further empower those communities that are organised and influential, while not achieving meaningful change for communities which may not have the confidence or capacity to engage with the process.

In this regard, the Bill would be strengthened by the addition of provisions specifying measures and resources to build capacity within marginalised and excluded communities. This issue is fundamental to facilitating community empowerment and tackling inequalities.

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?
National Outcomes

The ALLIANCE welcomes proposals to embed an outcomes-based approach in the legislation as a means of driving quality and consistency and allowing for scrutiny of the progress made in this area.

Developing a set of national outcomes offers the potential to meet the local needs of the community; however this cannot be achieved without strong involvement of a cross section of community interests in establishing what the outcomes (and underlying indicators) should be. The Bill outlines that in determining the outcomes, Scottish Ministers will be required to “consult such persons as they consider appropriate”. We would welcome a stronger duty that requires the direct involvement of community-based and third sector organisations in the development of outcomes in order to help empower communities and avoid embedding a centrally driven process.

Where national outcomes are developed, it is critically important that there is a mechanism in place to hold public bodies to account for meeting these. A sufficiently robust and transparent mechanism is absent within the Bill at present, within which public authorities or any other person carrying out functions of a public nature are required to “have regard” to the national outcomes and Scottish Ministers would be required to publish reports on the extent to which they have been achieved.

Co-production

The ALLIANCE recommends adopting the term “co-production” on the face of the Bill to ensure that it is strongly embedded in the Scottish policy landscape across all sectors.

Co-production is a term which is increasingly in use to describe a strengthening of the relationship between people and public bodies and increasingly resonates with the role of the third sector. Co-production can describe partnership at the individual level but it is also about involving people in decisions about the design and delivery of services. This is an essential mechanism for producing models, services and systems that are person-centred.

Co-production has a significant role to play in empowering communities to be actively involved in supporting the design and the delivery of better, more sustainable services, and offers an approach to service design and delivery that makes the best use of the capacities of all stakeholders to create effective, sustainable solutions.

For More Information
About the ALLIANCE

The ALLIANCE vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

The ALLIANCE has three core aims; we seek to:

- Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.

- Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.

- Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.