Community Empowerment (Scotland) Bill

Committee’s call for evidence

The Poverty Alliance is a network of individuals and organisations across Scotland working together to combat poverty. Our membership is made up of a wide range of organisations including grassroots community groups, individuals facing poverty, voluntary organisations, statutory organisations, policy makers and academics. We now act as the national anti-poverty network in Scotland, working with voluntary organisations, policy makers and politicians at Scottish, UK and European levels.

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

The Poverty Alliance welcomes the Community Empowerment Bill, as an organisation representing people from some of Scotland’s most disadvantaged communities it is important to us that this Bill empowers all communities and seeks to narrow inequalities. We have been working alongside Barnardo’s and Oxfam Scotland to develop proposals on how this Bill could be amended to ensure that Scotland’s most disadvantaged communities are empowered. We have submitted a joint document representing the views of the three organisations separately.

For the Poverty Alliance, the most important aspect of this Bill is around empowering Scotland’s most disadvantaged communities, and narrowing inequalities between those communities which are already empowered and those which will require more support. We would like to see this Bill prioritise Scotland’s poorest communities. There is a danger that the Bill, in its current form, will most benefit those communities which are already empowered and able to take advantage of the provisions in the Bill.

Standards for Community Engagement

We would like to see the high quality involvement of communities in local decision making become central to public bodies’ core purpose. Standards for community engagement exist currently but their implementation is varied across Scotland. We believe that the Community Empowerment Bill is the ideal opportunity to renew these and place them on a statutory footing. Placing a requirement on public bodies to adhere to a set of national standards for community engagement would be a welcome step forward for communities’
right to participate. A key part of standards should be a focus on inequality and empowering communities.

**Recommendation:** A new power created enabling Ministers to create statutory regulations for the engagement and empowerment of communities. Community Planning Partnerships should be required to adhere to the standards when creating local outcome improvement plans.

In order for the process to be transparent, the Poverty Alliance would like to see parliamentary review of the national outcomes at the point of them being reported on. This would allow for increased accountability of both the Scottish Government and public bodies.

**Recommendation:** Parliamentary review of outcomes to be added to the Bill.

**Community Planning Partnerships**

Community empowerment should be central to the purpose of Community Planning Partnerships. This Bill will put CPPs onto a statutory basis and so this is the ideal time to consider how we improve the functioning of community planning. The focus of CPPs needs to change so that communities are given a meaningful role in producing their public services. CPPs should have a duty requiring them to involve communities in a meaningful way in the decision making process.

**Recommendation:** A requirement that the local outcomes improvement plan, that each CPP must provide, is created through a participative process of community engagement.

**Right to request to participate**

We believe there should be a clear role for public bodies in bringing together and connecting communities, removing barriers to participation and supporting communities to take advantage of the right to request to participate.

In order to increase transparency and accountability, we would like to see a requirement for public bodies to include in their public report a view of the process from the community body.

**Recommendation:** A requirement for public bodies to include an opinion piece by the public body in their final report.

**Participative budgeting**

The Poverty Alliance believes that including participative budgeting in the Bill would help further empower communities. CPPs should be required to set aside a percentage of their annual budget to be decided on through community participation.
**Recommendation:** That each CPP is required to set aside 1 per cent of their annual budget to be decided upon through an appropriate community participation process.

By including these recommendations, the Poverty Alliance believes the Bill could be strengthened so that it works for all communities. As the Bill exists currently, there is a danger that it will only empower those communities who are already advantaged, and further widen inequalities.

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

It is important that this Bill is about communities and this should be kept at the centre of all decision making. All decisions should be made around what is in the best interest of the community and it is important that public bodies support communities to take advantage of the opportunities available to them. If communities are to make use of any new powers granted by the Bill they will need resources to help finance projects and support to carry out their ideas. There may also be financial costs to public bodies in supporting communities and it may be necessary to set up a fund to help communities take advantage of the proposals in the Bill.

It is important that transferring assets to a community group is not viewed as a cost cutting mechanism for public bodies, and decisions on any asset transfer should not be made based on financial reasons. The main purpose of any asset transfer must be clear community benefit. Communities’ greatest assets are their people and by including these people in decision making processes public bodies will benefit from hearing different voices and from people with different expertise. Including communities in planning services may also lead to a more cohesive relationship between public bodies and communities.

**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?**

There will be some communities who already have the capacity to take advantage of the Bill but the Poverty Alliance is concerned that the Bill does not do enough to empower the most disadvantaged and disempowered communities. People living in disadvantaged communities have the same desire to see the places where they live improve, the same desire to have greater influence and indeed control over the matters which affect them and their communities. However, often the practical capacity to act on these desires may be limited, perhaps through the lack of resources, the absence of crucial social capital, or the expertise in key areas (e.g. legal or planning issues)

We are concerned that there is insufficient recognition in the Bill that not all communities are equally empowered and there is too little in the Bill to change this. As the Bill currently
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stands, the communities which will benefit the most are those which are already empowered. The Poverty Alliance would like to see capacity building included in the Bill to help tackle the existing inequalities between communities.

Communities experiencing the greatest poverty have many assets, but often lack financial resources, relevant skills and the time necessary to be able to take advantages of the proposals in the Bill. We have been advised by one community group who have already taken over an asset, that funding applications are one of the biggest challenges they face. They are often notified by the Local Authority about funding opportunities but are not supported in their completion. One possible suggestion is a commission to support deprived communities.

Recommendation: An additional duty on local authorities to support disadvantaged communities to take up the opportunities presented by this new Bill.

Communities need to be made aware of the opportunities available to them. Being aware of assets available for community use is a significant resource for communities. It is also important that communities have as much information as is available about these assets before they request a transfer. This includes running costs, potential rental value and maintenance costs.

Recommendation: A duty placed on public bodies to publish and maintain an asset register.

The purpose of Community Planning Partnerships needs to change to ensure that all communities are all able to come together with public 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 a duty on CPPs to reflect this and for them to involve citizens in local decision making and the deciding of outcomes. This must go beyond consultation and should be a genuine process of engagement.

Recommendation: A legislative requirement for CPPs to create a local outcomes improvement plan through a participative process of community engagement.

In order to ensure that all communities are able to take advantage of their right to request to participate, all communities need to be made aware of process and their rights. The Poverty Alliance would to see a duty on local authorities to advertise the right to request to participate and encourage communities to become involved. As part of this, there has to be an open, transparent and straightforward process of review. We believe that there must be a third party to protect the right of communities to participate. Communities must have the knowledge of where they can turn in the event of requests being declined.

Recommendation: The ‘Right to request to participate’ to be strengthened through a clearer arbitration and review mechanism.
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?

The Poverty Alliance has highlighted a number of issues with this Bill in our answers above and also in our joint submission with Oxfam and Barnardo’s.

To summarise, our recommendations are:

- A new power created enabling Ministers to create statutory regulations for the engagement and empowerment of communities. Community Planning Partnerships should be required to adhere to the standards when creating local outcome improvement plans.

- Parliamentary review of outcomes to be added to the Bill.

- A requirement that the local outcomes improvement plan that each CPP must provide, is created through a participative process of community engagement.

- A requirement for public bodies to include an opinion piece by the public body in their final report.

- That each CPP is required to set aside 1 per cent of their annual budget to be decided upon through an appropriate community participation process.

- An additional duty on local authorities to support disadvantaged communities to take up the opportunities presented by this new Bill.

- A duty placed on public bodies to publish and maintain an asset register.

- A legislative requirement for CPPs to create a local outcomes improvement plan through a participative process of community engagement.

- The ‘Right to request to participate’ to be strengthened through a clearer arbitration and review mechanism.

The reasons for these recommendations are given in response to previous questions.

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 Poverty Alliance is supportive of the explicit requirement for public bodies to consider the Equality Duty when making decisions on asset transfers and participation requests. We
believe is would be appropriate for public bodies to carry out an Equality Impact Assessment when developing policies in relation to the provisions of the Bill.