ERS Scotland response to the call for evidence by the Local Government and Regeneration Committee on the Community Empowerment (Scotland) Bill.

ERS Scotland campaigns for a better democracy, where every vote and every voice is valued. We welcome the Community Empowerment (Scotland) Bill, Parts 1-3 of which are of particular interest to the society.

The most interesting of these is the introduction of ‘Participation Requests’.

We are also interested in the opportunities offered by putting Community Planning Partnerships on to a statutory footing, and in placing the outcomes approach in legislation.

National outcomes

The Democracy Max inquiry uncovered a general frustration with the short-termism of the current political structures, and suggested setting out overarching outcome based goals that all political parties could agree to as being of benefit to the country.

Different governments might implement different policies to achieve these goals but it was felt having a longer term outcome would enable citizens to better hold politicians to account. It would also better provide an understanding of the long term progress of policy development. We hope cementing the outcomes approach will help move towards us more to this style of policy making.

It is possible that decision making may be slowed down as a result of the proposals in the bill, but this should be balanced with the better decision making provided for. There may be variation in how local outcomes improvement plans choose to meet the national outcomes. This should be acknowledged and minimum requirements included in the national outcomes (and the associated local outcomes).

Community Planning Partnerships

The Bill requires Local Authorities to establish Community Planning Partnerships, and also legislates for the involvement of listed partner organisations. Community Planning Partnerships are a means to bring together interested organisations in the process of planning public services at a local authority level and to involve the community in developing those services. The role of CPPs is to prepare a plan for improving local outcomes, in consultation with community bodies and others. The Bill improves current guidance and puts it on a statutory basis.

The vision in the Bill suggests that every local authority will establish a CPP. Since every local authority does already have one, the key parts of the Bill are the additional requirements that public sector partner bodies work collaboratively with the CPP and that once the partners have come together (including community groups), they prepare and publish a plan for improving local outcomes. The CPP must then monitor progress and report annually on that progress.

In its best iteration, this could be a group encompassing local authority representatives, public sector partners and community groups. They would jointly decide on local outcomes reflecting the national outcomes, and would hold public meetings to report on progress and hear back from the community.

But as it stands, the Bill does not provide that this will be the model. There is a requirement to report, but not to do so in public, and no mention of to whom the report should be made. It is also unclear whether a community response would be required, what the role of existing Community
Councils would be in this process, or how bodies who have instigated a participation request would be involved.

**Suggested amendments**

In order to make the local outcomes improvement plan as transparent and well publicised as possible, we would suggest that when preparing the local outcomes improvement plan (s5(3)) CPPs should be required to bring forward a participation plan that indicates how they will ensure full participation in the process across the community. The participation plan should be approved by a stratified sample jury type group (also known as a mini-public) which would be required to be formed in order to act as a monitor and assessor of the effectiveness of the CPP.

We would also suggest that the Bill requires each CPP to set aside at least 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. This participatory budgeting approach has met with significant success in a number of countries including Brazil, France, Spain and Italy but is always more successful when required by legislation rather than taking a voluntary approach.

In reviewing the local outcomes improvement plan (s6(2)) we would suggest that the CPP report to the stratified sample jury type group review who would help the CPP consider the progress and if necessary review the plan. The CPP should also present the annual progress report (s7) to this group, and to a public meeting called with at least 1 months’ notice and with the agenda and supporting papers published online at the same time as the meeting is called. There should also be a capacity for members of the community to comment via the internet ahead of the public meeting.

**Participation Requests**

The Bill introduces an exciting new proposal: that a community body, effectively constituted, can identify a local outcome where it thinks it can add value and can request of the local authority that they be involved in delivering that outcome.

ERS Scotland would suggest that information and advice about how to go about forming a group as per the legislation should be provided. We would propose that each Local Authority should have staff members trained to assist and advise – and should promote the advice and information, along with a means of contacting said individual in an obvious area on their website.

Communities should not feel that using the Community Empowerment legislation is a last resort, or a difficult process, but rather should be a norm, which allows the community to be empowered and encouraged to take part.

We would also suggest a review, preferably including a report to the Scottish Parliament, after a defined period of no more than five years of the legislation being in operation, should be committed to in the legislation to ensure the process isn’t preventing willing, able and justified groups from being formed.

The Scottish Government already encourages public sector organisations to engage with communities and support their participation in setting priorities and designing and delivering services. The Bill gives community bodies an additional power to themselves initiate that participation and a right to have their request to do so properly considered. If the public body refuses the request it must explain the reasons.
We would suggest the maximum amount of transparency be applied in considering any participation request, and that an acknowledgement of the possible, indeed likely, lay role of the community body be considered in applying the criteria set out.

It may also be worth considering additional criteria regarding the socio-economic status of the community that is putting forward the participation request, alongside other engagement measurements like turnout in elections, and number of registered voters. We suggest this as we consider that the proposals in the draft Community Empowerment Bill could serve to re-engage communities in formal politics if it is successfully and effectively implemented. The flip side of this is of course that if badly implemented this Bill could further deter and discourage people from becoming involved in community issues.

ERS Scotland would also recommend that there be a reporting requirement required of public bodies to say how many requests they have had, how many approved and denied and the outcomes. Additionally, we think it would be useful if there was a requirement to undertake outreach to inform communities and citizens of the ability and methods to request participation that the Community Empowerment (Scotland) Bill makes available.

At the end of the process the public body must publish a report as to whether the outcomes were improved thanks to the community involvement.

If more than one community body requests to participate in the design and delivery of an outcome they can all join the same participation process, and indeed community bodies can themselves group together in order to request to participate in a chosen outcome.

The Bill does not specify how the local outcomes will be publicised, nor how existing participation requests will be made public. It does not indicate how the participation should be undertaken, nor how the wider community might be involved, either during the process or in considering whether the outcomes were improved due to community body participation at the end of the process.

ERS Scotland feel this is a missed opportunity to ensure wider community engagement and empowerment through the use of innovative participation methods. We are also feel the reporting requirements could be strengthened.

**Suggested amendments**

Section 19 should include a requirement that any participation request must seek to involve the wider community in order to avoid vested interests influencing decision making without due consultation with the wider community affected. This could include publicising the participation request, holding public meetings and consulting the wider community. It should include the use of deliberative and participative methods of decision making.

In section 25, as mentioned above we would suggest that a stratified sample jury type group be selected and the report be made to them for comment and feedback. Their response should be published alongside the report of the outcome process and the participation request.

In requiring both the CPP overall outcomes and the results of participation requests to be reported in public to a stratified sample of the community, this would therefore assist in holding the CPP and the LA to account but also, and perhaps more importantly, would provide the opportunity for reflection and learning, from failure as well as success. This process should be publicised and the
results disseminated – something which may instigate participation requests if groups feel the outcomes could be better met.

Conclusion

In suggesting this approach we are proposing that the Bill introduce an additional requirement for a ‘mini public’ to be established to which the CPP would report as detailed and which would also respond to reports of participation requests. This would introduce an innovative method of public reporting to the CE Bill process and would allow for all parts of the community to be represented. It would begin a process of communities understanding how decisions are made, how processes are followed and how communities can assist in delivering outcomes. Where required the mini-public should have the power to request additional information from the CPP or the LA and to suggest alternative actions for the CPP or LA (and community body who has submitted a participation request) to consider.

Establishment stage

Local Authority

Establishes Community Planning Partnership with requirement to engage the community in a participatory discussion

Community Bodies - Can make Participation Requests of LA (or other bodies as specified) on a specific outcome

Reporting stage

Local Authority (or other body as specified) reports on outcome improvement process to which participation request refers

CPP reports on progress towards local outcomes

Mini Public

Hears reports, responds and response & report are made public

Notes
ERS Scotland supports the submissions made to the Committee by Oxfam, Barnado’s Scotland and the Poverty Alliance (submission 18), and by the EHRC (submission 25).