

Agenda Item 6ii.

Highland CPP

Meeting to discuss a CPP approach to participation requests - (Community Empowerment Legislation)

22.5.15

Meeting Note

Present: Pablo Mascarenhas, Carron McDiarmid and Fiona Palin (highland Council), Ian Murray (HLH), Mhairi Wyllie (HTSI), Kenny Oliver (NHS), Stewart Sandison (SNH), Scott Hay (SFRS)

Apologies: Gus MacPherson (Police Scotland), Robert Muir (HIE)

Pablo made a short presentation of the context for, and ethos of, the legislation. He had previously circulated the relevant sections of the draft legislation and policy memorandum.

We noted:

1. When the legislation is finalised we expect there to be guidance on the process provided and clarity on timescales for implementation. We should know more about this in the summer.
2. Our experience of the Community Challenge Fund tells us that the process would not just be about how we engage with community groups but also:
 - a. how we develop the culture in our organisations to be supportive of them – so how to identify staff who would be key points of contact and other staff affected by participation requests;
 - b. the need to be aware of current staff employment rights and the potential for TUPE to apply if the change from a participation request meant the transfer of a service; and
 - c. how we engage with elected and Board members.
3. HTSI concerns that participation requests could lead to community bodies challenging other third sector providers – and we noted that there was potential for this already for Council provision through the Community Challenge Fund.
4. It is not clear if all partners in the CPP will engage unless specifically identified in the legislation, although currently the Bill enables Ministers to add to the list of public bodies in scope.
5. We thought Highland could have a higher proportion of requests given our experience of high levels of community activity, land and asset transfers to date and the rural nature of the region.
6. We thought we might be able to identify where early requests might come from. Initial interest seemed to be around:
 - a. environmental work in Nairn;
 - b. HLH facilities management; and
 - c. the HTSI is aware that some third sector groups/enterprises were already considering requests for some service areas and around health and social care.
 - d. We thought too that we would probably receive requests from more remote areas as they would be better placed to identify local improvements and solutions and especially where current service delivery is designed centrally or regionally.

7. We wondered whether any service areas might be out of scope or whether there would be a distinction between statutory and non-statutory services. That may follow in guidance, but currently the scope seems wide ranging.
8. We talked about the governance for participation requests. Our expectation was that final decision-making would rest with the public body affected, but we noted that the current review of local community planning/area committees would lead to new local decision-making among partners although not yet designed. It seemed to make sense that local input from the public bodies affected would make sense, especially if it is about a local service.
9. We wondered about having a CPP review process as part of the design, given the right to appeal to Ministers.
10. We noted that those CPP partners that are national bodies may have their own national approach to dealing with/encouraging requests.

We agreed:

1. There are advantages of us designing this together in the CPP: we share the same communities; we should make it easy for those communities; it would be more efficient to design this together than separately; together through our discussions we might come up with more innovation in the design; and given the right of appeal to Ministers for community bodies it would make sense to have a consistent approach across partners so that decisions can be defensible.
2. We should encourage requests and the message we give out should tell that story and be welcoming of starting conversations with community bodies. We can see how the process could be innovative.
3. We need to be clear about the potential impacts of participation requests on current organisational processes, e.g. budget savings, employment protection
4. To be encouraging we should be clear about the pathway of encouraging/responding to participation requests.
5. If we are ready to begin receiving / encouraging participation requests in advance of the time set in legislation we should proceed as early adopters.
6. We need to identify staff as key points of contact for requests – with potential for Ward Managers to have that role for the CPP.
7. We need to consider the support community groups might need in their participation request – both during and after it is considered, especially if the improvement comes from transferring a service/asset to them to run. Queries were raised about a continuing role for public bodies in monitoring service delivery/outcomes. Concerns about longer term sustainability were raised, based on some experience to date (community swimming pool) and given the demographic profile in some communities. Discussion with HIE on their support role would be helpful. We thought that if the change meant a transfer of service for a non-statutory service and if after some time the service did not succeed then there would not be a presumption that it would return in-house to be run, it would just cease if no other local provider engaged.
8. It was helpful that HTSI is planning to run community lunch sessions across the region for their sector on the new legislation and participation requests. Other partners volunteered to participate if that would help. Carron advised the Council might be able to offer some funding for the sessions if required. It would also be a topic for the next annual HTSI conference.
9. We need to report progress to the CPP COG and Board. We should meet again by the end of June and have meetings every 2 months, depending on legislative timescales.

Post meeting note – with the Board taking place on 3.6.15 and papers due 26.5.14 it is too soon for a full report but an up-date can be included in the SOA Development Plan report as that reports progress on engaging with communities in service delivery. We can take a fuller report to COG for 13th August.

We felt the first meeting achieved

- Agreed joint approach
- Paper to go to COG/CPD on implications/process, potential type of requests
- A good range of partners
- Initial agreement
- Positivity
- Good initial discussion
- Can feedback to board
- All more aware of bill requirements

This brings the following benefits

- One approach
- Utilising all capacity
- Agreed way forward-synergy
- Working together, collective understanding/approach
- Flexibility
- Involvement and ownership of local people
- Partnership approach
- Sharing expertise
- Flagged up issues-the priorities of doing it some tricky things to work through
- Identified things together that wouldn't have thought of
- Better understanding of issues and likely possible impacts

Our current concerns are

- That approach is consistent with national position
- Need for guidance from Scot Gv
- Unknowns-how to manage requests effectively
- Pathways and governance-however not too challenging
- HR implications e.g TUPE
- Resources to approach this
- Costs of delivering
- How to engage others in the Council positively
- Timescale and resources
- Questions
- Pathway
- embedding

We will do next

- Agree pathway
- Update COG/ CPP
- Agree future meetings
- Check national picture
- Understand legislation fully
- Engage partners and staff
- Align both national and local agency approach with Highland CPP context
- Communication /take to communities and promote
- Highlight to others
- Practical considerations
- Legislation
- Think through our role as first point of contact
- Support HTSI events
- Get meetings in diary
- Develop pathway
- Send out dates of CEB roadshow
- Update CEB presentation