

The Highland Community Planning Partnership

Chief Officers Group – 11.11.15

Agenda Item	5iii.
Report No	COG 27/15

Implementing the Community Empowerment Act: taking forward the new CPP duties

Report by Head of Policy and Reform

Summary

This report provides an opportunity for COG to consider the implementation issues arising from the new legal duties for the CPP in advance of statutory guidance being available. This will support our readiness for implementation.

1. Background

- 1.1 The CPP Board has considered reports on the Community Empowerment legislation. The Board is aware that the Act brings new duties on the CPP as well as duties for individual and named partners. The Board has already agreed that we will work together for a CPP approach to asset transfers and participation requests to support communities better, although these are duties that fall to named public bodies individually. An up-date on this work will be presented to a future COG meeting. This report focuses on the new duties for the CPP collectively.
- 1.2 At the Board meeting in Sept 2015 it was agreed that the COG would be tasked to develop proposals relating to Part 2 of the Act on community planning, noting that these will have to have regard to statutory guidance when that is available. A summary of Part 2 as presented to the Board is appended.

2. Implementation requirements – early considerations

2.1 Purpose of Community Planning

Community planning is to improve outcomes through the services delivered via the listed public bodies. Outcome improvement has been developed in the CPP already through the Single Outcome Agreement. New duties on the CPP mean:

1. preparing and publishing a local outcomes improvement plan (LOIP) rather than an SOA;
2. the requirements are stronger than those currently in place given that they are statutory and we will have to demonstrate that:
 - a. the LOIP is evidenced based;
 - b. details the improvement planned, including timescales;
 - c. it has been consulted upon;
 - d. annual progress with performance reports published including the extent to which community bodies have participated and been assisted to do so;
 - e. we have reviewed, revised and published our LOIP.

COG is asked to discuss how we might learn from our SOA experience in meeting the new requirements, what we should do differently, views on readiness and identify resource implications.

2.2 CPPs now have a legal duty and must act to reduce inequalities of outcome resulting from socio-economic disadvantage. The CPP must identify localities within its area where poorer outcomes and disadvantage are found. Locality plans to be prepared and published and these are to include local outcomes to be achieved, with timescales and be consulted upon. Progress reports are required annually and published. Locality plans are to be reviewed and published.

2.3 The CPP currently has a delivery plan and theme group to reduce health inequalities and other theme groups have related actions, e.g. supporting people with disabilities into employment through the employability group and services to support children and families with special needs. Our breakthrough achievement on employing all care leavers is relevant and the Board has agreed our use of the SEP index for rural areas to complement the use of the SIMD for urban areas to identify which communities to support. We are exploring how the CPP can shift to prevention and joint resourcing in the Merkinch area. We are beginning to experiment with local community planning arrangements. However these actions will not be sufficient to meet the new duty.

COG is asked to reflect on our approach to reducing inequality to date, what change is needed and what we need to do to be ready to implement the duty.

2.4 Participation in community planning

There are three key changes required around participation in community planning: expanding the membership of the current CPP, moving to 5 partners instead of 1 having a role to facilitate community planning and supporting the participation of community groups and bodies in the CPP.

2.5 Expanding the membership of the CPP

There are now 17 public bodies¹ listed that must carry out community planning. The CPP can agree how partners comply with their duty (e.g. in a particular outcome rather than in them all). Each must contribute such funds, staff and other resources as the CPP considers appropriate. Those currently not involved at the Board or in the COG are listed below:

1. Historic Environment Scotland;
2. Regional college Boards – or are they represented through UHI?
3. SEPA;
4. Scottish Sports Council;

¹ For the Highland area the partners are; Police Scotland; Scottish Fire and Rescue Service (SFRS); NHS Highland; HIE; SNH; the Cairngorm National Park Authority; UHI; Historic Environment Scotland; regional college Boards; SEPA; the Scottish Sports Council; Skills Development Scotland; HITRANS; and Visit Scotland. Those not relevant for Highland but listed in the Act are Scottish Enterprise and an Integration Joint Board (for health and social care).

5. HITRANS;
6. Visit Scotland.
7. Skills Development Scotland is invited to participate in the CPP Board in addition to their current involvement in the Employability theme group. We are awaiting a response to the invite.

COG is asked to consider how best to locate these bodies within the Highland and any local CPP structure. An expanded membership means we need to consider agenda management and views on that would be helpful.

2.6 Facilitation duty within the CPP

Community planning is to be a shared duty to be facilitated by the Council, NHSH, HIE, Police Scotland and SFRS. They can jointly apply to Ministers to establish a corporate body.

The 5 named bodies are asked for their organisational views on the duty, if any are yet formed, the opportunities and challenges they see from this approach and how we might take this forward.

2.7 Community bodies participating

The 17 listed public bodies must work together and with any community body that wishes to take part and especially securing the participation of community bodies that represent the interests of people experiencing inequalities resulting from socio-economic disadvantage. Community bodies do not need to be formally constituted to take part.

- 2.8 The development of local community planning provides an opportunity for trying out new partnership arrangements, including ensuring that all listed partners and relevant community bodies take part appropriately. There are links to the CPP's strategy for community learning and development where resources should be targeted to communities in most need of support.

COG is asked to reflect on new arrangements needed to support community bodies to participate.

3. Recommendation

3.1 This report highlights the areas for deliberation in the Chief Officers Group to ensure the readiness of the Highland CPP to implement the new CPP duties. COG views will be gathered to identify new processes required. Further consideration will be needed when statutory guidance is available to ensure compliance.

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Extract from report to CPP Board Sept 2015 on the Community Empowerment Act and its implications

2.4 Part 2 - Community Planning

The Act makes significant amendments to community planning, clarifying its purpose, putting it on a statutory footing with new duties for more partners and shifting from consultation with, to participation of, communities. The new requirements are summarised below.

1. The purpose of community planning is improvement in achieving outcomes through the services delivered via the listed public bodies. The CPP must act to reduce inequalities of outcome resulting from socio-economic disadvantage.
2. Councils and 16 public bodies² listed must carry out community planning. They form the Community Planning Partnership (CPP). The CPP can agree how partners comply with their duty (e.g. in a particular outcome rather than in them all). Each must contribute such funds, staff and other resources as the CPP considers appropriate.
3. Community planning is a shared duty to be facilitated by 5 of the listed bodies, for Highland they are the Council, NHSH, HIE, Police Scotland and SFRS. They can jointly apply to Ministers to establish a corporate body.
4. The listed public bodies must work together in this duty and with any community body that wishes to take part and especially securing the participation of community bodies that represent the interests of people experiencing inequalities resulting from socio-economic disadvantage. Community bodies do not need to be formally constituted to take part.
5. CPPs must prepare and publish a local outcomes improvement plan (LOIP). It must be evidenced based, detail the improvement planned, including timescales and be consulted upon. Progress is to be monitored and published annually covering the extent of improvement and the extent to which community bodies have participated and been assisted to do so. The LOIP is to be reviewed, revised and published.
6. The CPP must identify localities within its area (regulations will specify the requirements further). The CPP must compare the outcomes experienced by people across localities within the CPP area and with elsewhere in Scotland to identify where poorer outcomes and disadvantage are found. For these areas a locality plan must be prepared and published. CPPs can choose to have plans for other localities. Locality plans are to include local outcomes to be achieved, with timescales and be consulted upon. Locality

² For the Highland area the partners are; Police Scotland; Scottish Fire and Rescue Service (SFRS); NHS Highland; HIE; SNH; the Cairngorm National Park Authority; UHI; Historic Environment Scotland; regional college Boards; SEPA; the Scottish Sports Council; Skills Development Scotland; HITRANS; and Visit Scotland. Those not relevant for Highland but listed in the Act are Scottish Enterprise and an Integration Joint Board (for health and social care).

plans are to be reviewed and published. Locality plan progress reports are to be published annually.

2.5 Issues for the CPP

The new provisions build on the current arrangements in place for the Highland CPP and its work on the Single Outcome Agreement. Key differences that need early action by the CPP are listed below. It is proposed that the COG is tasked to develop proposals and for these to be confirmed when statutory guidance is available.

1. Ensuring the participation of all listed bodies in the CPP. Those currently not involved are: Historic Environment Scotland; regional college Boards; SEPA; the Scottish Sports Council; HITRANS; and Visit Scotland. Skills Development Scotland is invited to participate in the CPP Board in addition to their current involvement in the Employability theme group. We are awaiting a response to the invite. How best to locate these bodies within the Highland and any local CPP structure needs to be reviewed.
2. As it is no longer the sole responsibility of the Council to facilitate community planning, the five listed bodies in the CPP will have to agree how to share this responsibility.
3. The development of local community planning provides an opportunity for trying out new partnership arrangements, including ensuring that all listed partners and relevant community bodies take part appropriately.
4. The focus on reducing inequalities and on locality planning in areas where the poorest outcomes are found will affect where and how the CPP targets its efforts and resources and how it ensures participation with the communities affected. Further guidance is expected, and the CPP can learn from the new approaches we have tried in areas of urban deprivation, our prevention joint work and take forward its work on identifying which rural communities may need the most support.
5. This locality focus, along with the need to make sure that community bodies are involved in community planning, heightens the need for effective local community planning arrangements and for elected Members to be fully involved.
6. Guidance will clarify when the first LOIP is due and what the monitoring and performance reporting arrangements will entail. Work is to begin on understanding the links across the various statutory plans required of partners (the links between the Local Development Plan and the Community Learning and Development Plan are topical).