

The Highland Council
Communities and Partnerships Committee
9 June 2016

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| Agenda Item | 11 (a) |
| Report No | CP 16/16 |

Community Empowerment Act 2015: Part 2 Community Planning Consultation

Report by Acting Head of Policy

Summary

This report outlines the draft response to the Scottish Government Consultation on the Draft Guidance and Regulation for Part 2 Community Planning under the Community Empowerment Act. Members are asked to consider the draft response, suggest any amendments and agree a final response.

1. Background

- 1.1 Part 2 of the Community Empowerment Act sets out the new duties and responsibilities for community planning. This includes a shared duty for leading community planning on 5 statutory partners; 15 named public bodies to be involved in community planning; a duty to support community bodies to participate and the need to produce a Local Outcome Improvement Plan and Locality plans.
- 1.2 The current [consultation](#) seeks views on the proposed guidance and regulation to support the Community Planning section of the Act. The report outlines the content of the consultation and provides a draft response (Appendix 1) for Members to consider, suggest any amendments and agree a final response.

2. Consultation Content

- 2.1 The guidance to support Part 2 of the Community Empowerment Act seeks to provide a renewed vision for community planning, building on the provisions contained within the Act. Community Planning Partnerships must take the guidance into account in taking forward community planning. The guidance also notes that partnerships should understand how their performance matches the expectations set out in the guidance and have a clear understanding of the nature and extent of improvement and support required.
- 2.2 There are 2 parts to the guidance on Community Planning; the first is set around 9 key principles to guide community planning and the second guidance on the statutory plans named in the Act. A detailed outline of these components can be found at appendix 2 but a short summary can be found below.

2.3 **Core Principles**

The guidance sets out 9 principles to guide Community Planning Partnerships to meet the provisions contained within the Empowerment Act. This includes the shared responsibility for community planning, the importance of community participation and engagement, and the need to address inequality as a result of socio-economic disadvantage. The consultation seeks views on these principles and related elements, such as performance expectations and review periods.

2.4 The 9 key principles are:

- Shared Leadership
- Governance and Accountability
- Community Participation and Co-production
- Understanding of local communities' needs, circumstances and opportunities
- Focus on key priorities
- Focus on prevention
- Tackling inequalities
- Resourcing improvement (shared resourcing)
- Effective performance management

2.5 **Statutory Plans**

The second part of the guidance focuses on the statutory plans named in the Act; the Local Outcome Improvement Plan (LOIP) and Locality Plans. There is one proposed regulation in relation to this part of the Act around the geography proposed for Locality Plans. A summary of the proposed guidance in relation to these plans is outlined below.

2.6 *Local Outcome Improvement Plan*

- Will replace the SOA and needs to demonstrate how the Partnership will respond to national outcomes. The LOIP needs to outline key local priorities but also to reflect improving outcomes and tackling inequalities.
- The plan must be evidence based and demonstrate an understanding of local needs, circumstances and aspirations. The LOIP must be developed involving communities; this is not just about consultation but active participation.
- Statutory partners are responsible for delivering the aims however other local bodies may also be included. The LOIP must demonstrate long-term as well as short and medium term outcomes for communities. The first plan is due in October 2017.

Locality Plans

- The purpose of Locality Plans is to provide a focus at a local level for partners to tackle inequalities for communities facing disadvantage and make it easier for community bodies to be involved.

- Any Locality Plan should be about improving outcomes to reduce inequalities and must demonstrate long-term as well as short and medium term outcomes for communities. The plans also need to demonstrate how CPP partners are deploying resources to support the agreed outcomes.
- The plans should be evidence based and the guidance notes that the CPP should use its “understanding of local needs, circumstances and opportunities to identify those localities for which it should undertake locality planning.”
- The geography for these Locality plans is for the CPP to decide but it is expected that they reflect natural communities. One Regulation is proposed with regards Locality Plans; that the area they are developed for must not exceed a population of 30,000 or that they may be defined by electoral ward.
- The first Locality Plans are expected by October 2017.

3. Proposed Council Response

3.1 The draft response to the consultation can be found at **appendix 1**. There are several key questions asked as part of the consultation and the following summarises some of the key points proposed within the response.

3.2 *Principles*

The first question relates to the principles outlined for effective community planning and whether there is agreement with these principles. The draft response proposes:

- **Support for the draft principles.** They target the key elements of what CPPs will need to focus in order to deliver on the legislative requirements outlined in the Community Empowerment Act. The content is on the whole reasonable, clearly outlines the Partnership responsibilities in relation to participation and engagement and the focus upon inequality.
- For **Shared leadership** it is suggested that some acknowledgment should be made within the guidance that this will be a significant cultural change for the Partnership, will involve a period of adjustment and may prove challenging. It is suggested that the local Partnerships which develop over the course of the first year will be different from those that take forward actions once these partnerships are established and clear about their function and purpose. It is suggested that the Scottish Government can assist in this process by encouraging and prioritising the importance of community planning and ensuring that all its departments and delivery bodies do so likewise.

- **Accountability** – the response proposes that the guidance needs further detail on how CPPs are to hold partners to account should they not be participating or contributing to the delivery of the LOIP and Locality Plans. It notes the ongoing challenge of competing priorities for many partners and the importance of resolving this in order for partners to be fully engaged within community planning.
- **Proportionality** – it is suggested that across a number of the principles, there is a need for the guidance to reflect the importance of proportionality in relation to engagement and participation, reflecting the very differing CPPs across Scotland.
- **Joint Resourcing** – the response supports the need to share resources to jointly support and fulfil the partnership outcomes but suggests that guidance should reflect that this is a new approach and Partnerships will need time to adjust and put mechanisms in place to support this. In a time of decreasing resources this will be challenging and the nature of the resource may well be different depending upon the partners and what they have at their disposal. The guidance does not indicate what action a Partnership can take should one partner be unwilling to contribute.

3.3 ***Outcomes and Timescales***

The consultation asks whether the guidance should include specific short and medium term outcomes for Partnerships to fulfil and also whether it should specify timescales for Partnerships to review their plans. The response suggests that in both cases, these decisions should be for the local Partnership to determine. Particularly in the case of review, it is suggested that whilst Partnerships should be open and transparent about their process for review, they should be able to set this timescale locally and that this should reflect the nature of their priorities.

3.3 ***Draft Regulation***

As outlined in paragraph 2.6, the guidance includes one regulation in relation to setting the maximum population size for Locality Planning at 30,000. The consultation asks whether there is agreement with a maximum population size for Locality Plans and should that be further reduced, whether there would be agreement with that. The draft response agrees with the proposal to introduce a maximum population size, reflecting on the need for smaller, local geographies if inequalities are to be effectively addressed. The response suggests that it would not impact upon Highland if it was proposed to reduce the size of this geography further to 25,000 or 20,000.

3.4 Members are asked to consider the draft response detailed in Appendix 1, suggest any amendments and agree a final response for submission.

4. Implications

- 4.1 Resource implications: There is no new or additional funding to support the new community planning duty. The Act requires that each public body listed must contribute such funds, staff and other resources as the CPP considers appropriate, so it should be jointly resourced; however all public bodies face budget challenges.
- 4.2 Legal implications: The guidance sets out how the Government wishes Community Planning Partnerships to meet the duties contained within the Community Empowerment Act.
- 4.3 Equalities implications: The new legal duty to reduce inequality arising from socio-economic disadvantage should enable better partnership action for groups in the community with protected characteristics. Inequality and disadvantage are often associated with protected characteristics e.g. gender, age, disability, ethnicity and sexual orientation.
- 4.4 Climate Change/Carbon Clever implications: None identified at this time.
- 4.5 Risk implications: There is a risk that the Highland CPP does not comply with the new legislation. This is being mitigated by taking early action with partners in advance of the new duties coming into place.
- 4.6 Gaelic implications: None identified at this time.
- 4.7 Rural implications: Arrangements for taking forward community planning are proceeding in rural areas of Highland. The duty to produce locality plans in disadvantaged areas is being considered for the rural as well as urban context.

5. Recommendation

Members are asked to:

- Note the content of the Consultation on the Draft Guidance and Regulation for Part 2 Community Planning under the Community Empowerment Act.
- Consider the draft response in Appendix 1, suggest any amendments and agree a final submission.

Designation: Acting Head of Policy

Date: 26 May 2016

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Background Papers: Appendix 1 – Draft Response to Part 2 Community Planning of the Community Empowerment Act

Community Planning under the Community Empowerment (Scotland) Act 2015: Consultation on Draft Guidance

Draft Response – The Highland Council

Q1: The guidance identifies a series of principles for effective community planning. Do you agree with them? Should there be any others?

Please explain why.

Highland Council would be supportive of the principles outlined in the guidance to enable effective community planning. The principles target the key elements of what CPPs will need to focus on in order to deliver on the legislative requirements outlined in the Community Empowerment Act. The content is on the whole reasonable, clearly outlines the Partnership responsibilities in relation to participation and engagement and the focus upon inequality.

There are a number of points that we would make in relation to the content of the guidance:

- **Shared leadership:** some acknowledgment should be made within the guidance that this will be a significant cultural change for the Partnership, will involve a period of adjustment and may prove challenging. There is a need to fully understand each other's roles and responsibilities as the Partnership matures. It is likely that the local Partnerships which develop over the course of the first year will be different from those that take forward actions once these partnerships are established and clear about their function and purpose. The guidance should reflect this period of adjustment and embedding.

It is suggested that the Scottish Government can assist in this process by encouraging and prioritising the importance of community planning and ensuring that all its departments and delivery bodies do so likewise.

- **Governance and Accountability** – the Council would support and agree with the importance of this principle however the guidance does not detail how CPPs are to hold partners to account should they not be participating or contributing to the delivery of the LOIP and Locality Plans.

Related to this is the ongoing challenge of competing priorities for many partners and the importance of resolving this in order for partners to be fully engaged within community planning.

A further point relates to paragraphs 39 and 40 in terms of accountability to communities. It is felt that some recognition should be given within this that the extent to which community bodies have participated and shaped community planning will vary depending upon the size and scale of the CPP

area. Proportionality is critical, for example levels of engagement within an area like Orkney are likely to be different from Highland and the guidance should acknowledge this.

- **Community Participation and Co-production** – it is suggested that paragraph 52 needs to better reflect that there may be different engagement levels, in different forums, different settings and for different groups. That this engagement should be proportionate, should also be reflected in the guidance. This is partly to reflect the differing Partnerships across Scotland and also the different types of community groups. Proportionality should be woven throughout this section of the guidance.

There is support for the section outlining different techniques that could be used to encourage engagement. Guidance of this type is particularly helpful.

- **Resourcing** – there is support for the need to share resources to jointly support and fulfil the partnership outcomes but this is a new approach and Partnerships will need time to adjust and put mechanisms in place to support this. In a time of decreasing resources this will be challenging and the nature of the resource may well be different depending upon the partners and what they have at their disposal. The guidance does not indicate what action a Partnership can take should one partner be unwilling to contribute.

Q2: The draft guidance sets out common long-term performance expectations for all CPPs and community planning partners. Each CPP will adopt its own approach towards meeting these expectations, reflecting local conditions and priorities. Even so, do you think there are common short- or medium-term performance expectations which every CPP and partner should be expected to meet? If so, what are they?

Given the very different local circumstances and differing priorities that these Partnerships will have, all performance expectations should be agreed locally by the Partnership.

Q3: The 2015 Act requires CPPs to keep under review the question of whether it is making progress in the achievement of each local outcome in their LOIP and locality plan(s). CPPs must from time to time review their LOIP and locality plan(s) under review, and to revise them where appropriate. Even with this, do you think the statutory guidance should require CPPs to review and if necessary revise their plans after a specific period of time in every case? If so, what should that specific period be?

Yes No

Please explain why.

Each CPP should need to set out a timetable for when they propose to review, in the

interests of transparency and to ensure the public are informed, however, a specific timescale should not be set out in the statutory guidance. Each CPP is very different and how they may wish to review their plans will vary. Given the focus on addressing inequality, it may be that CPPs wish to consider longer review periods, reflecting a long term vision and the need for time to understand and see this vision take effect.

Q4: What should the statutory guidance state as the latest date by which CPPs must publish progress reports on their local outcomes improvement plans and locality plans?

4 months 6 months Other

If other please provide timescale. Please explain why.

Partnerships may determine to publish progress reports more frequently but this should be a decision for the Partnership. This timescale provides flexibility whilst acknowledging the need for regular reports to be published.

Q5. Do you have any other comments about the draft Guidance?

As outlined in the response to question 1, the guidance should more clearly reflect:

- The changing nature of CPPs and that a period of adjustment to these new arrangements will be required in terms of leadership, involving communities and resourcing.
- Lines of accountability and potentially competing priorities in relation to the CPP should be clarified.

Q6. We propose that the draft regulation for locality planning should set one criterion only, which is a maximum population permissible for a locality. Do you agree? What are your reasons?

Yes. The regulation provides the flexibility to allow CPPs to determine the most appropriate community geography. The Council would agree that the geography for this should not be too large and should reflect natural communities, therefore the cap in regulation is appropriate.

Q7: The draft regulation sets a maximum population size for localities subject to locality planning of 30,000 residents. It also proposes an exception which allows a CPP to designate a local authority electoral ward as a locality even where its

population exceeds 30,000 residents. Are there circumstances in which these criteria would prevent a CPP from applying a reasonable approach to locality planning? What difference would it make to how localities were identified for the purposes of locality planning in the CPP area(s) in which you have an interest, if the maximum population size were set at (a) 25,000 residents or (b) 20,000 residents?

This would not impact upon the Highland CPP. There is recognition that in order to effect change and involve communities that geographies need to be local and manageable. There are good evidence bases out there to enable identification of communities in greatest need and the maximum population size would not impact on the approach the Highland CPP is considering at present.

Q8: Do you have any other comments about the draft Regulation?

NA

Q9: Are there any equality issues we should be aware of in respect of local outcomes improvement plans and locality plans?

It will be important for the Partnership to focus its resources on supporting those communities and groups that have the greatest levels of need to enable them to engage effectively.

Part 2 Community Planning: Consultation Summary

The guidance document sets out 9 key principles to guide Community Planning Partnerships. It also provides detailed guidance on the statutory plans named in the Act, the Local Outcome Improvement Plans and Locality Plans. A summary of the key principles and statutory plan guidance is outlined below.

Principles of Community Planning

Shared Leadership

- Partners demonstrate collective ownership, leadership and strategic direction of community planning.
- Partners use their shared leadership role to ensure the CPP sets an ambitious vision for local communities; the CPP involves all partners and resources that can contribute towards delivering on that vision; and that partners deliver on it.
- The CPP is clear about how they work with public service reform programmes (including health and social care integration and community justice reforms).

Governance and Accountability

- The CPP understands what effective community planning requires, and the improvement needs for it and its partners.
- The CPP and its partners apply effective challenge and scrutiny in community planning, built on mutual trust, a shared and ambitious commitment to continuous improvement, and a culture that promotes and accepts challenge among partners.
- The CPP organises itself in an effective way, which provides platforms for strong strategic decision-making and action, and effective scrutiny and challenge.
- The CPPs and partners can demonstrate, including to local communities through annual progress reports, how they are working effectively in partnership to improve outcomes as part of how they are held to account.

Community Participation and Co-production

- The CPP and community planning partners work with community bodies to ensure that all bodies which can contribute to community planning are able to do so in an effective way and to the extent that they wish to do so.
- The CPP and community planning partners have a clear understanding of distinctive needs and aspirations of communities of place and interest within its area, as a result of effective participation with community bodies.
- Effective community participation informs decisions about the CPP's priorities, how services are shaped and resources deployed; this includes working with community bodies on co-production where these bodies wish to do so.
- Effective community participation informs how the CPP manages and scrutinises performance and progress, and how it revises its actions to meet its ambitions as a result of its performance management.

- The CPP embraces the principles of effective co-production which is aimed at combining the mutual strengths and capacities of all partners (including community bodies) to achieve positive change.

Understanding of local communities' needs, circumstances and opportunities

- The CPP has a strong understanding of its local areas, including differing needs, circumstances and opportunities for communities (geographical and communities of interest) within its area.
- This understanding is built on appropriate data and evidence from partners and community perspectives flowing from effective community engagement.

Focus on key priorities

- The CPP uses its understanding of local needs, circumstances and opportunities to establish a clear and ambitious vision for its area and identify local priorities for improvement.
- The CPP is clear about the improvement it wishes to make locally in terms of better outcomes for specific communities, reducing the gap in outcomes between the most and least deprived groups and moderating future demand for crisis services.
- The LOIP places a clear emphasis on identifying local priorities which focus on how the CPP will add most value as a partnership to improve outcomes and tackle inequalities, and the CPP targets activities around these priorities.

Focus on prevention

- The CPP and partners plan prevention and early intervention approaches as core activities which help people and communities to thrive and contribute to addressing poor outcomes and moderating future demand for services.
- The CPP places strong emphasis on preventative measures to achieve ambitious improvement goals on the local outcomes it prioritises.
- CPP partners provide resources required to support preventative measures to the scale required to fulfil these ambitions.
- The CPP works with local communities and uses a close understanding of local needs, circumstances and opportunities to design services and focus resources to where it has greatest preventative benefit.

Tackling inequalities

- The CPP has a strong understanding of which households and communities in its area experience inequalities of outcome which impact on their quality of life.
- The CPP focuses its collective energy on where its partners' efforts can add most value for its communities, with particular emphasis on reducing inequalities.
- The CPP develops locality and thematic approaches as appropriate to address these, with participation from community bodies representing the interests of persons experiencing inequalities.
- The CPP should build the capacity of communities, particularly those experiencing inequality, to enable those communities, both geographic and of interest, to identify their own needs and opportunities; and support their efforts

to participate effectively in community planning, including in the co-production of services.

Resourcing improvement

- The CPP and its partners understand how their collective resources are supporting shared local priorities, and whether together these are sufficient and the right resources to enable the CPP to meet its improvement targets.
- Partners demonstrate strong shared leadership by working with other bodies to use collective resources in more effective and efficient ways to improve outcomes and reduce inequalities.
- Partners deploy sufficient resource to meet agreed ambitions for the CPP's local priorities.
- Partners align their collective resources in ways which support its local priorities effectively and efficiently.
- The CPP and its partners keep under review whether partners' deployment of resources remains appropriate for meeting its ambitions, and take corrective action where necessary.

Effective performance management

- The CPP has a deep-rooted commitment to continuous improvement.
- The CPP has effective processes and skills to understand and scrutinise performance.
- The CPP acts wherever appropriate to improve performance in light of this understanding and scrutiny.

Statutory Plan Guidance

Local Outcome Improvement Plan

Will replace the SOA and needs to demonstrate how the Partnership will respond to national outcomes. The LOIP needs to outline key local priorities but also to reflect improving outcomes and tackling inequalities.

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The plans should be evidence based and the statutory guidance notes that the CPP should use its “understanding of local needs, circumstances and opportunities to identify those localities for which it should undertake locality planning.” The geography for these Locality plans is for the CPP to decide but it is expected that they reflect natural communities. One Regulation is proposed with regards Locality Plans; that the area they are developed for must not exceed a population of 30,000 or that they may be defined by electoral ward.

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