

Hi Euan

By way of a response to your tracking report request I've now got clearance from Scottish Government to share the essence of the principles I mentioned earlier. So, I have attached a description of what we have suggested as part of possible recommendations to Ministers for the Review of the Community Empowerment Act on Participation Requests.

Its relevance to your tracking report is that it proposes a need for new refreshed principles for participation across the Act in the wake of the review. It also suggests a need for a more explicit expectation on duty bearers to connect other engagement related aspects of public policy and public services to have meaningful contact in communities. This is clearly relevant to part two of the Empowerment Act on community planning which, as you know from our evidence to the inquiry, we feel needs quite significant improvement if the ambition of the legislation to deliver partnership relationships with communities and effective service reform is to be realised.

The governments review of Community Planning is part of the review is mainly desk based so in addition to highlighting the suggested principles, we have also shared the evidence we submitted to your inquiry with officers leading on that aspect of the Scottish Government review.

There are a couple of other aspects of our work which we feel are of direct relance to the community planning duties in relation to locality planning and have developed since you published your report.

- In our experience we have found that communities often have insufficient influence on the process of Locality Planning as we highlighted in our previous evidence and that a very complicated “planscape“ has now developed which draws a lot of community energy but that communities often don't feel enough ownership of.
- SCDC now has a position that [Community Led Action Planning](#) (CAP) should be the bedrock of local engagement process on which Locality Planning and other formal plans should be built. This would involve promoting and supporting the CAP process, something that Scottish Government already supports us to do to some extent. We have recently said more about how this relates to wider regeneration and democratic development in our submission to the [Local Governance Review via the Democracy matter 2 consultation](#) process. We describe how new democratic powers would require support and recognition of democratic and accountable community anchor organisations and how Community Led Action Plans would be an import baseline for community aspirations, needs and implementation planning. If the DM 2 agenda moves forward in the way that the narrative of the recent programme for government suggests then community planning and community engagement would clearly be affected by this.
- As part of the developments in the “planscape” described above, [Local Place Plans](#) are now taking a prominent role backed up by relatively new rights in the Planning Scotland Act. Where we are supporting these community led plans, which enable communities to set our their views on the use of land and public spaces in their areas, we have argued that it is best that they are linked to wider community action plans. We have set out how this could work in this link and [how it relates to other forms of planning](#) including Locality Plans and LOIPs .

I hope this material is of some use for the tracking report.

General participation principles for the Community Empowerment Act

In our report to the Scottish Government on Part Three of the Community Empowerment Act. We suggest that the Community Empowerment Act Review is an opportunity to refresh its overall purpose and reconnect with its wider policy intentions.

Although our work looked mainly at participation requests, we set the issues in a wider participation context as this was what communities and officers involved in our engagement consistently suggested was the best way forward. We think that refreshing underlying principles would be a very useful outcome of the review and strengthen the ongoing implementation of the Act.

These principles build on the 5 high level principles of Community Empowerment described in the [Principles for Community Empowerment](#) in work led by the Accounts Commission, Strategic Scrutiny Group published in July 2019.



We are suggesting that since these did not exist when the Act was implemented in 2016 that they should now be explicitly referenced in the Review to amplify what is expected of public sector agencies covered by the provisions of the Act. They are relevant to many sections of the Act and have a particular resonance for part two on how communities experience Community Planning.

Operational Proposals: We have also suggested that a set of operational principles should be produced and submitted ideas as to their content. We have summarised the key points that are in our report to ministers below.

- **The act exists in a wider pro participation landscape** - The legislative intent links to wider policy and service reform. Community Empowerment duties should be systemically linked, across

different parts of the Act, and to other engagement and participation duties. This principle should be dynamic and take account of closely related policy and legislative dialogue like the Local Governance Review (Democracy Matters), The Governments Participation Framework and current developments in equality and human rights.

- **Reinforcing the policy intentions** - Collective community participation in decisions is a core Scottish Government policy. The Scottish Approach seeks to make services more effective based on lived experience in communities. This also improves value for money from better service design. Enabling this should therefore not be seen as an optional aim for public agencies, even when achieving it is challenging.
- **Making participation the default position** - The Act should therefore be interpreted as striving for better outcomes through participation, wherever effective and practical, which is open, easy to access, and fair.
- **Participation as a rights based concept** - Participation is not just a policy aim. It is also a human right and central to providing services that deliver equality compliant results for individuals and communities. Clear links to the intent of the Scottish Human Rights Act and its description of the human right to participation is central to this.
- **Duties to deliver empowerment must be actively implemented** - The right to participation should always be proactively promoted – with public agencies raising awareness, inviting views, and supporting dialogue – rather than waiting for communities to request or demand power and influence themselves.
- **To overcome inequality** - Community organisations who need it should be supported to ensure that they are able to participate effectively. This should create levels of influence, responsibility and community control that communities are comfortable with and have a mandate for.
- **Local implementation of the Act** – This must be effectively linked to the provision of effective, trusted local community development support to those who need it in order to deliver key duties in the Act. This may involve links to other policy and legislative frameworks like statutory Community Learning and Development (CLD) plans or funding agreements with Third Sector Interfaces (TSIs).
- **Local Empowerment should deliver wider engagement** The review should clarify CPP level duties to promote involvement in all related policy areas where the intent is to enable community engagement - including, but not limited to, The Children and Young People (Scotland) Act 2014, Community Justice (Scotland) Act 2016 and the Planning (Scotland) Act 2019.
- **Implementation Frameworks** - Interpretation of these should always promote and utilise other frameworks such as equalities and human right legislation and policy, and the National Standards for Community Engagement.

- **Parity of Esteem** - Communities and public agencies should always seek to be constructive, responsive, and accountable to each other – even where they may disagree. This means working for equal partnership as a prerequisite for empowerment and actively exploring how to deliver this in practice.
- **Sharing Power a learning process** - This can require experimentation. In this progressive realisation of rights, communities should always be actively involved in monitoring and evaluating empowerment. This means they should be meaningfully and demonstrably involved with public agencies and elected members in shaping and reviewing how community engagement and more in-depth empowerment is planned, delivered, and evaluated in practice.