Local Government and Regeneration Committee

Call for Evidence on the Community Empowerment (Scotland) Bill

SRUC Response, September 2014
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Introduction

SRUC (Scotland’s Rural College) welcomes the opportunity to contribute to the call for written evidence from the Local Government and Regeneration Committee on the Community Empowerment (Scotland) Bill.

SRUC is an innovative, knowledge-based organisation that supports the rural sector through research, education and expert consultancy services. SRUC wishes to see, and contribute significantly to delivering, a sustainable agricultural and rural land use sector in Scotland. SRUC staff work in a broad range of areas (for more information see www.sruc.ac.uk) and our responses to the questions below reflect this broad expertise, but draw on specific research projects and expertise where appropriate.

Several SRUC staff have contributed to this submission¹ which has been co-ordinated by SRUC’s Rural Policy Centre.

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Introductory comments

1. The Rural Policy Centre (RPC) welcomes the statutory commitment of the Scottish Government to the empowerment of communities. We welcome the legislative framework being put in place which seeks to create the conditions for community empowerment, subsidiarity and self-determination, operating in a consistent manner across Scotland.

2. Our evidence suggests that, in order to maximise the impact of the Community Empowerment (Scotland) Bill (hereafter referred to as CESB), specific concerns would need to be addressed. We now outline these in relation to specific points clarified in the CESB Policy Memorandum (hereafter referred to as the PM). We then explore how these concerns are even more pertinent within rural Scotland, before concluding with some pointers to evidence and cases which may feed into an enhanced understanding of how CESB might best deliver its outcomes.

Our concerns and their associated risks

1. **Narrow focus:** In PM paragraph 18, the Scottish Government rightly states that: “Ultimately, community empowerment cannot be delivered by the legislation alone, although creating a supportive legal framework will enhance the process”. The emphasis within the CESB is on statutory outcomes, where community empowerment is defined as: “a process where people work together to make change happen in their communities by having more power and influence over what matters to them” (PM paragraph 9, originally stated in the Community Empowerment Action Plan [Scottish Government/COSLA, 2009]). Further, in the National Performance Framework, Outcome 11 is: “We have strong, resilient and supportive communities, where people take responsibility for their own actions and how they affect others”. However, the CESB primarily focuses on service provision, together with community ownership of land and other assets, as the ways in which communities become empowered. This is narrower than the original (2009) definition. CESB therefore also omits potential wider empowerment aspirations, such as participatory democracy. There is a risk that the CESB will become primarily focused on service provision and community ownership of land and assets, rather than on delivery of wider empowerment outcomes.

2. **Empowering the empowered:** There is considerable onus on communities to come forward, with pre-existing, demonstrable capacity, to identify and bring about change in partnership with other stakeholders. For example: “Where an appropriate community body, or a group of bodies, believes it could help to improve the outcome of a service, it will be able to make a request to the public body or bodies that deliver that service, asking to take part in a process to improve that outcome. The community body will need to explain what experience it has of the service and how it could contribute to its improvement” (PM, paragraph 47). Further, communities will be able to “initiate dialogue on their own terms” (paragraph 45) (see also paragraphs 76-79 on communities’ Asset Transfer Requests). What this implies is that those communities which already have the capacity to engage will do so, and will become more empowered. As is it currently written, the CESB acknowledges the need for wider capacity-building (PM, paragraph 18: “the availability of appropriate support, guidance and a culture of nurturing community action are also key”); however, the CESB does not legislate for it. The Community Right To Buy Register indicates that of the 173 registered interests, the Right
to Buy has been activated in just 16 cases. This is an indication of a risk that the CESB legislative framework may result not in a wider spread of power, but in the increased empowerment of those already empowered. We have found evidence of this, and have raised concerns over “Darwinian” development which operates at two speeds, where those who are able can ‘harvest’ the resources (project funds, service delivery opportunities), leaving those less able even further behind. So, “empowerment for whom?” becomes a really pertinent question.

3. **Public sector capacity**: When discussing “community empowerment”, the focus is typically on enhancing the capacity of communities. However, the **differing capacities within the public sector to deliver community empowerment** (PM paragraph 20) must also be addressed. Although the CESB states: “a key reason for bringing forward this legislation is to address this inconsistency and promote best practice throughout Scotland” (PM paragraph 20), no guidance is given as to how this is to be achieved. In CESB we read that: “All public service providers have a responsibility to create the conditions that encourage and support strong, independent and resilient communities, and ensuring a focus on supporting community empowerment is a key plank of public service reform” (PM paragraph 11). Under CESB, this specifically translates into: Community Planning Partnerships (CPPs) having a statutory basis with additional duties and developing “Plans for Place”; potential restructuring of service delivery; arranging and supporting asset transfer; statutory requirement for establishing/maintaining/publishing/updating the register of “common good” property, and consulting with community bodies before disposal of such assets; providing more allotments where waiting lists exceed certain trigger points, publishing an Annual Allotments Report and a food growing strategy; and using new powers to create localised non-domestic rate (NDR) relief schemes (PM paragraph 102) to “reflect the needs of businesses and the local economy” (PM paragraph 101). Implementing these required changes in a “universal and enduring” (PM paragraph 20) manner will, in turn, necessitate an increase in the underpinning processes of consultation, partnership-working and trust, and bringing more parties to the table. This in turn will require changes in public sector working processes, governance practice, and decisions over re-routing of resources (time, people, finance – PM paragraph 43). Capacity-building within the public sector will therefore be essential. Otherwise there is a risk that the CESB will be implemented in a way which operates at the level of the “lowest common denominator” – i.e. ticks the boxes required by the CESB, rather than seeing a cultural shift towards encouraging and proactively supporting greater community engagement in decision-making and outcomes delivery. Further, the fact that community engagement plans and a named community engagement officer are not being taken forward (following the initial consultation period) (PM paragraph 25) is also a concern in this regard, since there is a risk that this will reduce any strategic approach to community empowerment, and its distinct resourcing.

4. **Evaluation and attribution**: It is not possible to see, from the CESB Policy Memorandum, how the CESB’s outcomes-based approach will be evaluated; and whether a baseline will be established from which to assess progress towards delivery of the CESB outcomes. The risk is that it will be more difficult to review/identify/attribute progress towards community empowerment to the CESB and/or to other measures, and thus to improve processes etc.
Specifically rural concerns

The issues which we have raised above have particular pertinence to the “how” of delivering community empowerment in rural areas. There are three key points which we believe need to be taken into account.

1. **Geography:** although in rural areas, “communities of place” may perhaps be easier to define (than in some urban areas) due to physical boundaries such as villages or islands, their populations tend to be more dispersed. This means there are physical and distance challenges in bringing people together, and in ensuring the inclusion of all sectors of the population. This is exacerbated by the costs of private transport, and the unavailability of public transport. Empowering the (social and economically) disempowered therefore, is a particular concern in rural areas.

2. **Demography:** The fact that rural populations comprise small numbers has two main implications.
   a. Firstly, a phrase often used in rural areas is “the usual suspects” – that is, the same group of people who repeatedly input to development at community level. This can lead to concerns over how ‘representative’ people might be of the wider community. Additionally, there is a limited pool of people from which to draw, and evidence of ‘burn-out’ exists.
   b. Secondly, those who may benefit most from empowerment may exist in small numbers, such as those with mental or physical illness, those from black and minority ethnic groups, younger people and single parents. This means that ensuring their empowerment becomes more challenging, particularly for the public sector, where small numbers of ‘clients’, ‘customers’ or citizens is a criterion which influences support decisions.

3. **Poverty and disadvantage:** For the majority of public agencies, the Scottish Index of Multiple Deprivation (SIMD) remains the Index for determining their focus of spend and activity in relation to addressing poverty and disadvantage. However, as reported in our *Rural Scotland in Focus* 2014 Report, SIMD is poorly-suited to rural areas (due to dispersal and small numbers of population). This makes it much more complex to direct community empowerment measures to those experiencing poverty and disadvantage in rural Scotland, since they exist in dispersed pockets (sometimes of individuals within communities) below datazone level. This increases the risk that such people within communities will remain untouched by CESB since they live ‘below the radar’.

Evidence and existing models which may help address these concerns

1. **Empowering the disempowered:**
   a. We have been involved in evaluating two projects which were delivered through the LEADER 2007-2013 Programme: Capacity for Change (C4C) in Dumfries and Galloway, and Ayrshire 21 (A21) in North, South and East

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2 For more information, please see: [http://www.sru.ac.uk/info/120428/rural_scotland_in_focus/1265/2014_rural_scotland_in_focus_report](http://www.sru.ac.uk/info/120428/rural_scotland_in_focus/1265/2014_rural_scotland_in_focus_report)
Ayrshire\(^3\). Both had as their core aim the reaching of those who are typically under-represented, and who can be considered to be low capacity/low-resourced. In C4C we produced a resilience framework, and studied changes in resilience over time due to C4C; in A21, we worked alongside community support workers to assess the impact of their processes, and the associated outcomes. These two innovative projects seeking to include those otherwise “on the margins” could be useful exemplars of enhancing empowerment through inclusive processes.

b. The CESB Policy Memorandum mentions the work of DTAS, both as a network and as the providers of the Community Ownership Support Service (COSS). In addition to DTAS, lessons could be identified from the rolling out of the People and Communities Fund (delivered through the Scottish Community Development Centre [SCDC]). Other established approaches also include the community engagement officers in the Cairngorms National Park, and the Community Account Managers of Highlands and Islands Enterprise. Further, the European LEADER Programme has been operating in since 1991, seeking to empower communities throughout rural Scotland; there will be a wealth of learning and experience which can be ‘harvested’ from these examples. The work of the Plunkett Foundation and the Carnegie UK Trust could also be of value in this regard.

2. **Evaluation and attribution:**
   a. There is a range of evaluations which have been carried out over many years, including, for example: Rural Voices; Growing Community Assets 1 and 2; LEADER programmes. Work needs to be carried out to identify the meta-lessons, the ingredients of what works.
   b. Ex ante evaluations have been carried out for various schemes and programmes (including the SRDP). Learning from these approaches could be useful in establishing a baseline and appropriate monitoring and evaluation frameworks for CESB, so that CESB can be improved during its implementation.
   c. It would also be beneficial to pull together evidence of what communities have already been doing to empower themselves. Examples may include communities who have bought the land they live and work on (not only those who achieved this through the Community Right to Buy but also those who worked through this independently); communities who have bought and run community shops, pubs, transport and other services etc. It should be possible to identify the critical success factors of these projects and build these into the on-going implementation and evaluation of CESB.
   d. What Works Scotland is mentioned in PM paragraph 37. SRUC is included in the ‘academic pool’ in this initiative and we would be keen to identify synergies, as appropriate, between CESB and WWS, particularly from a rural perspective.

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\(^3\) More information on these projects is available by contacting any of the authors of this response.
3. **Targeting empowerment in areas of rural poverty and disadvantage:**
   
a. SRUC’s 2014 *Rural Scotland in Focus* Report showed how the use of existing data types gives a picture of the ways in which rural poverty and disadvantage are being experienced by people and communities in rural Scotland. Further work can be developed from this, to enhance the targeting of CESB in areas of such disadvantage.

b. Highlands and Islands Enterprise (HIE) has been developing maps and measures of Fragile Areas since the early 1990s, and have recently updated these following the release of the 2011 Census data. There is scope to explore how the HIE Fragile Areas assessment might feed into more focused implementation of CESB ensuring better “fit” for rural areas, certainly within the Highlands and Islands area.