

## The Highland Council

Communities and Partnerships Committee – 23 March 2016

Agenda Item	11 (a)
Report No	CP/06/16

### The Community Empowerment Act 2015 – up-date on progress with implementing Part 2 Community Planning

#### Report by Head of Policy and Reform

#### Summary

This report provides Members with an up-date of progress being made with the new duties arising for community planning partners.

## 1. Background

- 1.1 The Community Empowerment (Scotland) Act 2015 contains 12 parts. The Council has considered the community empowerment legislation at earlier meetings and most recently in September 2015. Individual Parts of the Act have not yet commenced as the statutory guidance and regulations are not yet finalised. We expect to be consulted on draft guidance and regulations between March and June 2016 with final materials published by September 2016 (subject to the new Government). In advance of the guidance and regulations work has begun to consider the changes required internally and with partners to make sure we are ready to implement the new duties.
- 1.2 A useful way of seeing the changes required overall with Act is set out below.



1.3 The Council has commitments in its Highland First Programme to work with partners to implement the Community Empowerment Act and develop new arrangements for local community planning.

## **2. Part 2 Community Planning**

2.1 Part 2 of the Act sets out new duties for community planning. This brings in changes for community planning since it was first introduced in legislation in 2003. **Appendix 1** includes a summary of the new requirements.

## **3. Work in progress with partners**

3.1 The key changes to community planning that need new processes are:

- The shared leadership and resourcing of community planning;
- The requirement to support community bodies to participate; and
- A focus on disadvantage.

These are considered more fully below.

3.2 These changes also need to be seen within the context of reduced public expenditure and growing demand for some public services; making it even more important that public bodies work together and with communities to get the best value from public and community resources.

3.3 While Part 2 of the Act focuses on the duties for community planning partners together, there are other aspects of the Act which place duties on individual partners separately but could also be developed better in partnership. At this time, and in advance of the statutory guidance, these are identified as:

- Part 3 – Participation Requests
- Part 5 – Asset Transfer Requests
- Part 10 – Participation in Public Decision-Making

Separate reports providing an up-date of progress on these Parts are included for Members' attention at this meeting.

### **3.4 Shared leadership and resourcing of community planning**

A key change is that the Council will no longer be solely responsible for facilitating and leading community planning at a Highland or local level. This is to be a shared duty for the Council along with four other partners; NHS Highland, HIE, Police Scotland and SFRS. Discussions are planned with partners on how to jointly resource and lead community planning across the region.

### **3.5 Supporting community bodies to participate**

Another significant change is that the Community Planning Partnership (CPP) is required to support community bodies to participate. This is one of the reasons why new local arrangements for community planning are needed; organising such involvement at a Highland level would not be feasible as most community bodies, volunteering and community action is local.

3.6 To take forward community planning locally, Members in Caithness, Sutherland, Nairn, Badenoch and Strathspey and Skye are all keen to have new local arrangements in place. The establishment of the new local committees in these areas is helpful in providing that new more local focus and

the Scheme of Delegation for them enables the links between the local committee and new community planning partnerships to be made.

- 3.7 Members in Ross and Cromarty and in Inverness are to consider community planning arrangements further.
- 3.8 In Lochaber the Lochaber Partnership has been in operation for several years and it has now adjusted its operations to:
- streamline its partnership forums and bring the District Partnership within the Lochaber Partnership;
  - enable reporting from the Lochaber Partnership to the local Committee; and
  - improve community engagement in the Lochaber Partnership by holding meetings in various communities.

A description of the arrangements and a diagram of the structure for community planning in Lochaber are attached at **Appendix 2**.

- 3.9 In Skye, Members have considered options for community planning. There are two developments:
1. Seeking minor adjustments to the District Partnership (DP) operations by seeking meeting twice a year in Skye (out of four meetings) and having a locality focus for those meetings. Changes to the boundary or remit are not sought;
  2. Developing the Ward Forum to engage with additional partners and to encourage more Community Council participation, including an option of Community Councils setting the agenda for two out of four Forum meetings.

A fuller description of the emerging arrangements is provided in **Appendix 3**.

- 3.10 Different approaches are therefore emerging in different areas, building on what has worked well so far.

- 3.11 Several discussions with partners at the CPP Chief Officers Group and with NHS Highland Board members have taken place on local community planning. The Highland CPP has agreed that:

1. It would support proposals for local community planning experiments for Caithness; Sutherland; Nairn; Badenoch and Strathspey; Skye; and Lochaber (building on the Lochaber partnership), aligning with the boundaries for the new local committees. It noted more time is needed to consider arrangements for Inverness and Ross and Cromarty.
2. NHS Highland has still to consider the implications this brings for current District Partnerships in terms of business and geography and it seeks District Partnership views on that. A map at **Appendix 4** shows the current boundaries of local committees and current District Partnerships.
3. Partners would be creative in developing proposals to encourage local experiments, while accepting that one size would not fit all areas and that the pace of change may vary across the region.
4. If possible local Committees for Council decision-making and local community planning partnership (CPP) meetings would be held on the same day, although in a different venue, with different chairs. CPP meetings would be less formal to enable discussion and problem solving, encourage participation of community bodies. Meetings could

be organised by theme, some could be designed to listen to evidence from particular groups or people on particular topics and some could develop from Ward Forums.

5. A framework for evaluating local community planning would be developed in the CPP and that we should learn as we go. The evaluation should be mindful of:
  - a. The need for local CPPs to support the implementation of the Community Empowerment Act and the new rights afforded to community bodies;
  - b. The values and principles agreed by the Board (attached at **Appendix 5**);
  - c. The vision statements developed by elected Members in some areas;
  - d. How to capture how those involved feel the experiments are working and the difference they are making.
6. To consider how the local CPP arrangements would impact on the Highland CPP arrangements (ensuring the right links are made) and the impact on individual partner governance.

3.12 The next steps over the next 6 months, and to fit with the statutory guidance timetable, are to:

1. Draft the evaluation framework for local CPPs. This will set out what is expected of them and how their success would be measured. It can be used to help design new arrangements rather than being used after arrangements have been in place for some time. The framework would need approval at the Board. This work is underway. It is proposed that the Chairs of Local Committees and Chairs of District Partnerships are consulted on it, along with the Chair and Vice Chair of the Communities and Partnerships Committee, before it is proposed to the CPP Board. A further report can be brought to the next meeting of the Committee on this matter.
2. Seek feedback from District Partnerships on how to ensure health and social care arrangements can be part of the new community planning arrangements. NHS Highland needs to be engaged in this process and supporting their staff and Board Members. So far the models emerging are:
  - a. To make the DP one important part of the CPP. This is the approach in Lochaber.
  - b. To rotate the venue and agendas for DP meetings to make sure they consider more local health and social care arrangements where the DP boundary is bigger than the local Committee boundary. This is the proposal for Skye.
  - c. To grow the local CPP from the DP. This could work where the boundaries are the same and where the DP has a growing agenda with good partner engagement. This could be trialled in Sutherland.
3. Support local Members to be involved in partnership conversations locally to take forward local community planning, bearing in mind the shared responsibility for this with NHS Highland, HIE, Police Scotland and SFRS.

4. Build in the requirements from statutory guidance and regulations when they are available later this year.
- 3.13 One of the ways in which links between the local and Highland CPPs can be made is to have the chair of the local CPP take part in the Highland CPP Board and for the lead officer locally to take part in the Chief Officers Group. This arrangement is to be proposed at the next meeting of the CPP Board.
- 3.14 Having the right local arrangements in place for community planning will not only help implement various aspects of the Act and support community bodies to take part better, but also help meet:
- the challenge from the Christie Commission (2011). This highlighted the need for:
    - people and communities to control their future, enabling them to fulfil their potential and to take the lead to achieve positive outcomes;
    - services to be built around people and communities, with public bodies working together to achieve outcomes, prioritising prevention and reducing inequalities, improving performance and reducing costs;
    - accountability of public services to people and communities with action at a more local level than council areas as an essential part of community planning.
  - the intentions of the Commission on Strengthening Local Democracy, remodelling democracy from the bottom up;
  - the good practice highlighted by Audit Scotland on community planning highlighting the importance of agreeing local service priorities with communities;
  - other Government requirements for communities having more of a say in e.g. community learning and development, in social care and integration implementation plans and in local economic development;
  - any new opportunities for further public participation arising from new legislation on devolving the Crown Estate, Land Reform and an Islands Bill.
- 3.15 A focus on disadvantage  
CPPs have a new legal duty to reduce inequalities of outcome resulting from socio-economic disadvantage. They must produce and deliver locality plans in disadvantaged areas and pay particular attention to involving community bodies representing people living with disadvantage.
- 3.16 While a regulation is expected on the geography or population thresholds to use for the localities in scope, the CPP has done some work on identifying areas to prioritise that goes further than reliance on the Scottish Index of Multiple Deprivation and to include rural disadvantage. The work is not completed and a further report can be made to a future meeting of the Committee. It is proposed to engage with the Chairs of Local Committees and the Chairs of District Partnerships, along with the Chair and Vice Chair of the Communities and Partnerships Committee on this work in advance of any proposals for the CPP Board.
- 3.17 Identifying the areas to start with for locality plans will be an important first step

for the CPP. This new focus on partnership effort to tackle disadvantage will be an important area for local community planning.

- 3.18 Other changes arising from the Act that should be more straight forward to accommodate include ensuring all 15 bodies listed in the Act participate appropriately (most are engaged in one way or another at the Highland level at the moment and all will be aware of their duty).
- 3.19 Also the development of the first Local Outcomes Improvement Plan (LOIP) is a new duty but this is the successor of the Single Outcome Agreement. The key change for the Plan is the shared responsibility across five bodies to develop and deliver it, rather than it being led by the Council. This will form part of the discussion with partners on sharing the new community planning duty.

#### **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. The duty to facilitate community planning is shared across five of these bodies, including the Council and discussions are planned to agree how to proceed. Any new Council resource required would have to be diverted from other activity and there are pressures on the Ward Management team as it is reduced by four posts through the Voluntary Redundancy Scheme and the budget agreed for 2016/17.
- 4.2 Legal implications: The report details how the new legal duty is being considered but this will develop as the guidance and regulations become clearer. They are expected for September 2016.
- 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: New local arrangements for community planning could provide a forum for partnership approaches to carbon reduction.
- 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 statutory guidance and regulations being drafted.
- 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**

### **5.1 Members are asked to note:**

1. The new legal duties relating to community planning and that new processes are needed for the shared leadership and resourcing of it, supporting community bodies to take part and the focus on disadvantage;
2. That work is in progress with partners to:
  - a. Discuss how to share the new duty and resource it.
  - b. Develop local community planning arrangements, with action underway in Lochaber and Skye and to be developed for Caithness, Sutherland, Nairn and Badenoch and Strathspey as the next phase.
  - c. Seek feedback with NHS Highland from District Partnerships on how to ensure health and social care arrangements can be part of the new community planning arrangements.
  - d. Make the links between the local CPPs and the Highland CPP by involving the local Chair in the CPP Board and the lead local officer in the Chief Officers Group once new arrangements are in place.
  - e. Develop the process for locality plans for disadvantaged places in rural and urban Highland.
3. That partnership work on other Parts of the Community Empowerment Act is reported separately to this meeting.
4. That we expect to be consulted on the draft statutory guidance and regulations for the Act between March and June 2016 with the final materials provided by September 2016. These will be built into the new arrangements.

5.2 Members are asked to agree that the Chairs of the Local Committees and the Chair and Vice Chair of the Communities and Partnerships Committee are consulted on the evaluation framework for local community planning partnerships and the methodology for identifying the areas for locality plans in advance of proposals to the Community Planning Board and with further reports to this Committee. It is proposed that District Partnership Chairs are consulted too and this would also need the agreement and support of NHS Highland.

Date: 15.3.16

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## Summary of the new duties for community planning

### 1. What is community planning?

Community planning is about improving outcomes through the services delivered by listed public bodies.

### 2. Who is involved in community planning?

The Act lists the public bodies that must carry it community planning. For the Highlands there are 15 public bodies involved<sup>1</sup>. Each must contribute such funds, staff and other resources as the CPP considers appropriate. They form the Community Planning Partnership (CPP). The CPP can agree how partners comply with their duty (e.g. taking part in achieving a particular outcome or being involved across them all).

The listed public bodies must:

- work together;
- work with any community body that wishes to take part; and
- secure 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.

### 3. Who leads community planning?

There are 5 public bodies that have a shared duty to facilitate community planning. They are the Council, NHS, HIE, Police Scotland and SFRS.

They can jointly apply to Ministers to establish a corporate body.

### 4. What will the CPP have to do?

The CPP must act to reduce inequalities of outcome resulting from socio-economic disadvantage.

It must produce a Local Outcomes Improvement Plan (LOIP) and Locality Plans at a more local level for areas experiencing particular disadvantage.

#### Local Outcomes Improvement Plan

CPPs must prepare and publish a local outcomes improvement plan (LOIP). This must:

- Show how it will respond to the national outcomes published by the Scottish Government;
- Set out local outcomes to achieve in the context of national outcomes;
- Draw on evidence of what is required locally;

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<sup>1</sup> For the Highland area the partners are: Highland Council; 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).



- Set out the detail the improvement planned along with timescales;
- be consulted upon;
- be monitored and progress reported and published annually;
- Describe the extent to which community bodies have participated and been assisted to do so.
- be reviewed, revised and published.

### Locality Plans

The CPP must identify localities within its area (regulations will specify the requirements of place/population thresholds 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 plans are to be reviewed and published. Locality plan progress reports are to be published annually.

## Community Planning in Lochaber

**The Lochaber Partnership** is the overarching community planning partnership in Lochaber. It is a constituted group with secretariat currently provided by Highland Council. Membership is made up of the Lochaber District Partnership and Lochaber Economic Development and Employability Forum membership collectively.

The Lochaber Partnership meets twice a year and has recently moved to a 'market place' format to encourage further direct engagement with communities. These market place sessions take place in communities around Lochaber on a rotation basis. Partners provide;

- A drop-in session for the general public to find out information on agency and organisational activity in the locality
- Provide an opportunity for the Partnership to seek views and receive feedback from the general public
- Give a chance for the Lochaber Partnership to discuss feedback from the 'micro consultation' work which helps inform the Lochaber community development plan priorities.
- Discuss community planning themes and issues common to both of the two primary thematic Community Planning fora in the area - which deal with the day to day business of the Lochaber Partnership.

The day to day business of the Community Planning Partnership takes place through the two thematic fora - Lochaber District Partnership and the Lochaber Economic Development and Employability Forum.

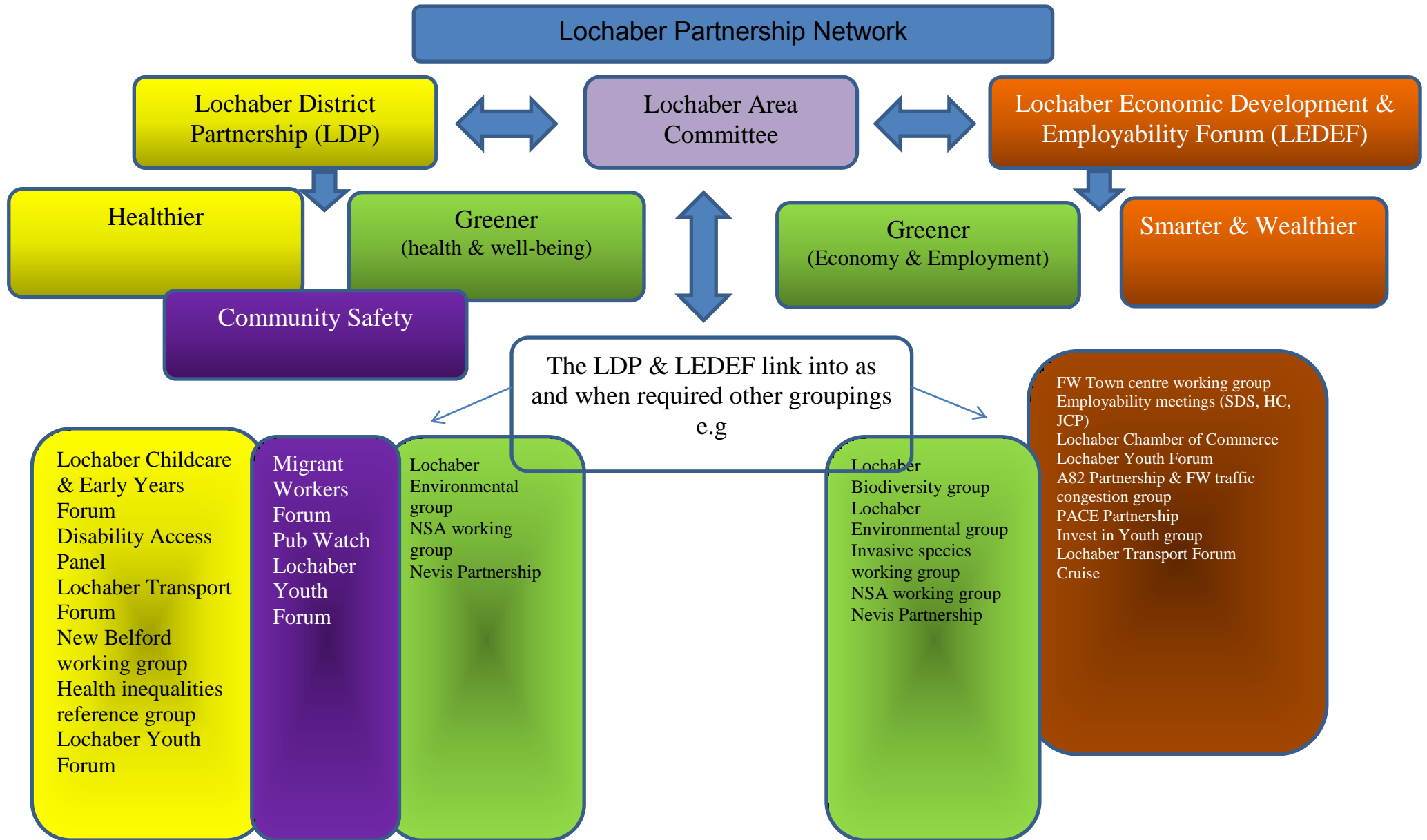
Both fora also operate as required with **sub-groups** or link to existing groups where they exist, which allows for more detailed working to take place around specific matters of priority. Working this way also allows for the inclusion of specific community interest or professional expertise.

**The Lochaber District Partnership** meets to consider health, social care, well-being and community safety matters. It meets four times a year and its agendas include a 'spotlight' to allow for more extensive discussion on matters of community interest, concern and development. The Forum is facilitated by Highland Council.

**The Lochaber Economic Development and Employability Forum** meets to consider economic development and employability matters affecting Lochaber. It meets four times a year. The Partnership day to day works alongside and with a number of groups and initiatives including the Developing young workforce group, CLD plan, Economic development projects, community initiatives and areas of highest need. The Forum is facilitated by the Lochaber Chamber of Commerce supported by HIE.

Elected members have a place at both Fora and ensure appropriate matters are directed as necessary to elected members business meetings or more formally to the Lochaber Area Committee. The Lochaber Partnership is currently in discussion with members in reference to formalising its relationship with the Area Committee.

# Community Planning Structure in Lochaber



### **Emerging CPP Structures for Skye**

Skye has an emerging picture for Community Planning based on existing structures. Some of the stages are now set and others continue to be a work in progress. Below is an outline of the emerging picture for Skye:

**Skye Local Committee** – The Committee consists of the four Locally Elected Members and covers general powers delegated from the Council along with specific powers relating to Corporate, Cross Service, Civic, Finance, Community, Development & Infrastructure and Care and Learning Services.

**Skye Ward Business Meetings** – These meetings are used as a platform for dealing with Council business at ward level, with Managers/Officers of Council Services attending to brief Elected Members. Community Planning Partners, Agencies, Community Groups and Trusts are also invited to give regular updates, thus ensuring Elected Members have an opportunity to discuss and see progress with local issues & projects, and where appropriate can provide support if necessary. Ward Discretionary Grants are considered at Ward Business Meetings and decisions made.

**SLWRA District Partnership** – The DP Area covers Skye, Lochalsh, Wester Ross & Assynt and brings local partners together to consider the delivery of health, social care and community safety issues in the District. The core Membership being one Elected Member from each of the three Wards covered by the Partnership, a NHS Highland Board Member, Care & Learning Service Area Management, NHS Highland Area Management, Police Scotland, Scottish Fire & Rescue, Third & Independent Sector and HighLife Highland.

At this stage the planning group of the Partnership and the Local Elected Members for Skye see no need to change the geographical boundary. The proposal is to make a minor adjustment to the scheduled meetings to allow for two to take place on Skye and two on the mainland with the agendas having a locality influence.

Care & Learning and NHS Highland will be leading on developing a SLWRA District Partnership Plan, focusing on localised priorities from the “For Highland’s Children 4” and “Change & Improvement Plan”.

**Skye Ward Forum** - Currently there is a core Membership of the 4 Ward Members, Police Scotland, Scottish Fire & Rescue, 3<sup>rd</sup> Sector Skye & Lochalsh CVO and the Chair or representative of all the Ward Community Councils.

There is a focus on Community Safety, with themed topics relating to Community Planning Partners and Agencies, examples from previous Forums include:

- Police & Fire update on the priorities from their Area Plans, specific to Skye and general Service Issues
- HIE –Broadband Programme
- NHSH – Redesign of Health Care Services for Skye, Lochalsh & South West Ross
- Transport Scotland – Wind Management Plan, Skye Bridge
- SSE – Community Resilience

Over the past year attendance from Community Councils has waned and the Local Members feel that it is now time to review the format. At the Forum set for 14<sup>th</sup> March there will be an opportunity to discuss some alternatives to the current format including:

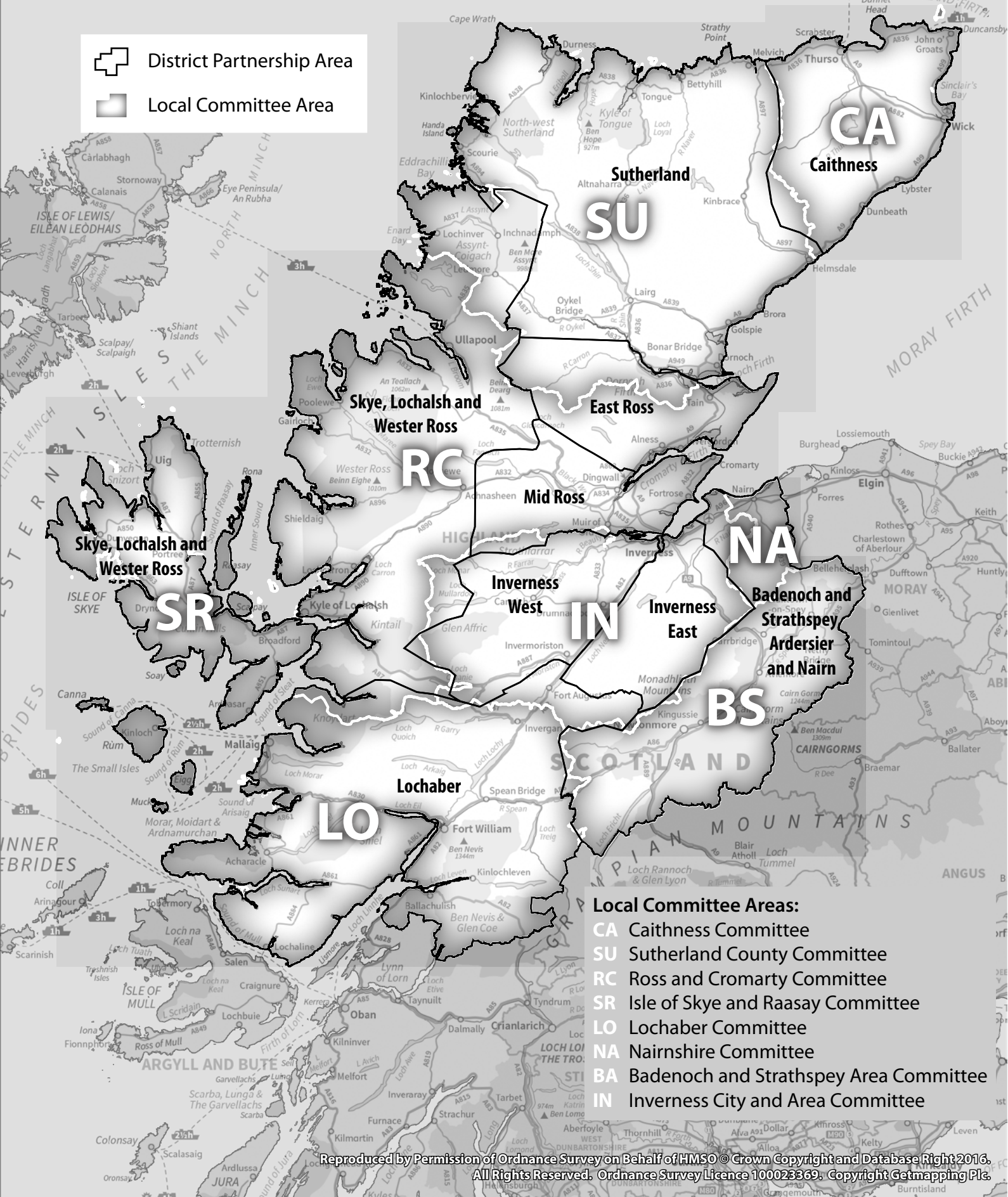
- Continue with the existing format and agree Forum topics for the year.
- Consider Meeting twice a year with the agenda/venue/day and time set with a Community Council focus, core Membership as is. Also meet twice a year with a focus on Community Planning themes not covered by the District Partnership, core Membership for this from Community Planning Partners, Elected Members and Community Council Representation. Themes could include the economy, tourism, employment, infrastructure and housing.
- Abandon the current format altogether and move to a Community Planning Forum, meeting four times a year, with the core membership from Community Planning Partners, Elected Members and Community Council Representation. Themes could include the economy, tourism, employment, infrastructure and housing.
- Or consider other proposals put forward by the Ward Forum Core Membership.



District Partnership Area



Local Committee Area



**Local Committee Areas:**

- CA Caithness Committee
- SU Sutherland County Committee
- RC Ross and Cromarty Committee
- SR Isle of Skye and Raasay Committee
- LO Lochaber Committee
- NA Nairnshire Committee
- BA Badenoch and Strathspey Area Committee
- IN Inverness City and Area Committee

**The Values and Principles to be used in discussion to guide proposals for local experiments.**

Developed in the COG March 2015 and approved by the Board June 2015

1. Local community planning is about engaging with, listening and responding to communities and there should be a roots-up approach.
2. There should be a bias towards the most deprived communities.
3. There should be a solutions-driven approach.
4. It is necessary to be helpful, positive and make it easy for people to engage.
5. Innovative thinking is required in terms of engagement processes – for example, going out in to the community, not having a specific agenda, utilising technology and social media.
6. There should be an emphasis on involving new people, particularly younger people, in local community planning.
7. The CPP should demonstrate effectiveness, accountability and a willingness to share resources.
8. Outcomes should be measurable in order to demonstrate tangible benefits.
9. The activities and objectives within the SOA should set the boundaries for decision making.
10. Fairness and equality are key.
11. It is important that there was two-way communication between strategic and local forums.
12. Elected Members have different roles in different forums and it is necessary to be explicit about that and support them.
13. It might be necessary to accept that there are different geographical boundaries for some issues.
14. It is essential to avoid duplication and inefficiency.
15. Forgiveness of false starts and wrong turns should be included.