Consultation on draft guidance and regulation Community Empowerment (Scotland) Act 2015, Part 2 Community Planning

Analysis of responses

Scottish Government
Riaghaltas na h-Alba
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EXECUTIVE SUMMARY

This report presents the findings of an analysis, conducted in – house by Scottish Government, of the responses to the Scottish Government's consultation on draft guidance and regulation for Part 2 Community Planning in the Community Empowerment (Scotland) Act 2015. The Consultation ran from 17 March 2016 until 19 June 2016 and explored respondent's views re:

- the principles of effective community planning,
- the review and reporting of plans
- criteria and population basis for locality planning

A total of 92 responses were received. 5 of these responses were from individuals and 87 from organisations. For the purposes of this consultation responses from organisations have been further subdivided into the following categories;

- Community Councils
- Community Planning Partnerships
- Local Authorities
- National Health Service
- Public Bodies
- Other
- Third Sector

A full list of respondents who provided their permission via the Respondent Information Form to publish their consultation response with their name is listed in these subdivisions in Annex 2.

A large amount of detailed information was provided and the findings on each of the issues are summarised below. Further details are provided in the main body of the report. It should be noted that not all respondents replied to all questions or sub parts of questions.

Principles for effective community planning

There was a high level of support for and broad agreement with the principles as outlined in the draft guidance. Almost all respondents (81 out of 84 (96%) respondents) who replied to this question supported the principles. Respondents supported the principles, particularly those which placed an emphasis upon:

- community participation.
- shared leadership,
- understanding of local communities' needs, circumstances and opportunities,
- key priorities

A small number of respondents who supported the principles considered that there should be no more principles. Their view was that the principles described were well established and recognisable as building upon previous materials such as the

Statement of Ambition which COSLA and Scottish Government agreed in 2012 and other statements issued since then from the National Community Planning Group.

Respondents who suggested strengthening or adding to these principles emphasised:

- importance and role of non-statutory partners throughout community planning;
- the duties on the named partners to facilitate community planning;
- the contribution of resources from partners to meet CPP priorities;
- flexibility and autonomy of local response;
- cognisance that some outcomes may be regional or pan CPP;
- dispute resolution amongst partners and communities.

Common performance expectations

There was a wide ranging response to whether there should be common short or medium term performance expectations for community planning. The predominant views recognised potential for tension between local circumstances and common expectations. These appear to reflect that respondents valued being able to locally determine performance expectations as a whole and particularly where they were short or medium term.

Review of progress

The consultation invited views on whether the statutory guidance should specify a time limit within which CPPs must review and if necessary revise their plans. Responses to this question were almost evenly split. Responses indicate a small majority for both a specific time period for review (39 out of 75 (52%) and local determination of what that timeframe should be (39 out of 76(51%). A small number of replies provided commentary without specifying either yes or no to the question.

Themes emerging included whether this timescale should be nationally set, locally determined or whether there should be an upper range or limit to when a review must be undertaken.

Reporting of progress

A small majority of the total respondents to this question (38 out of 73 (52%)) on the timescale for progress reports indicated that CPPs should publish progress reports in a period of 6 months or less after the end of the reporting year.

Other comments about guidance

A wide range of views were expressed with respondents broadly welcoming the guidance as being helpful to them. A small number of respondents requested that guidance include commentary on dispute resolution processes, both in relation to disagreements amongst partners and where communities hold differing views with each other or with the CPP or partners. Some respondents considered enhanced emphasis should be placed on partners aligning their planning and reporting cycles, timelines and structures.

Criterion and maximum population for locality planning regulation

The consultation invited views on the content of a draft regulation which sets criteria for the definition of "locality" for the purposes of locality planning. A small majority, (30 out of 57(53%)) of those who expressed a preference, favoured a regulation which set one criterion based on population.

Consultees were also asked if a criterion which set a maximum population size for a "locality" would prevent reasonable approaches to locality planning. It also queried what difference there would be if the population maximum for localities was lowered from 30,000 to 25,000 or 20,000.

The sections on the locality planning regulation criterion and maximum population generated a great deal of lengthy and wide ranging commentary from respondents. These included comments from an additional 17 respondents who did not directly express a preference either in favour or against the criterion.

There were wide ranging views expressed in relation to these questions with themes emerging around issues such as local determination of criterion, minima regulation for maxima flexibility, communities of interest, urban and rural views, existing structures and alternate criteria. Other comments focused upon a maximum population criterion not being relevant to the circumstances in their CPP area; potential difference of views between rural and urban areas; community involvement in setting locality; balance between size of locality and structures to support implementation; using existing locality structures and potential confusion about locality terminology.

Equalities

In total there were 70 responses to this question concerning whether there were equalities issues we should be aware of in respect of local outcomes improvement plans and locality plans which were very wide ranging. Some of the broad themes emerged around importance and challenge of securing the participation of those experiencing disadvantage and the potential unintended consequences of ignoring the views of those who wish to participate in pursuit of those whose participation is most challenging to secure. Other issues concerned the potential tensions between a focus on geographic communities at the expense of communities of interest.

BACKGROUND AND CONTEXT

This report presents the findings of an analysis of response to the Scottish Government's consultation on draft guidance and regulation for community planning under Part 2 of the Community Empowerment (Scotland) Act 2015.

The 2015 Act makes significant changes to community planning legislation, previously contained in Part 2 of the Local Government in Scotland Act 2003.

The 2015 Act received Royal Assent in July 2015. Shortly thereafter Scottish Government established a steering group to shape the development of supporting statutory guidance on community planning. This group brought together representatives from a wide range of disciplines and organisations involved in community planning, covering public and third sectors. They worked together through a series of meetings and exchanges to shape both the principles and specific guidance on statutory plans (Local Outcome Improvement Plans and Locality Plans).

The draft statutory guidance seeks to provide a renewed vision for community planning, which builds on the provisions in the 2015 Act and the shared ambitions of COSLA and the Scottish Government. It supersedes the Statement of Ambition which COSLA and the Scottish Government agreed in 2012; and also policy statements which the National Community Planning Group, Scottish Ministers and COSLA leaders have issued since then.

Scottish Government consulted on the terms of the draft statutory guidance and a related draft regulation (this covered the definition of "locality" for the purposes of locality planning. The consultation ran from 17 March 2016 until 19 June 2016 and explored respondent's views on: the principles of effective community planning; common performance expectations; the review and reporting of plans; the criterion and population basis for locality planning; equality issues in respect of these plans.

The consultation was composed of 9 separate questions, 1 of which sought a yes/no response and 1 sought a timescale and proposed 3 options. All of the questions invited additional response and provided an opportunity for respondents to contribute detailed replies.

Submissions and respondents

Table of respondents by category

Category	Number of respondents	Percentage of total responses
Total	92	100
Individuals	5	5
Community Councils	3	3
Community Planning Partnerships	19	21
Local Authorities	14	15
National Health Service	7	8
Public Bodies	20	22
Other	7	8
Third Sector	17	18

For the purposes of this consultation analysis the respondents were subdivided into individual and organisation and the organisation type further subdivided into Third Sector, Community Council, Local Authority, NHS, Public Body, Other and Community Planning Partnership. Where quotes have been inserted into the analysis they have been attributed in accordance with these subdivisions.

Full details of those respondents who provided their permission via the Respondent Information Form to publish their consultation response with their name are listed in these subdivisions in Annex 2.

Most respondents addressed the questions and followed the format of the response form, although not all answered all questions. A small number of respondents provided a single reply to multiple questions. These responses have been assigned to the relevant questions and all information provided has been inserted for consistency of analysis. 10 respondents requested that their response be treated as anonymous, 2 of which requested that there response not be published.

There was found to be some overlap in themes raised in response to questions and some additional relevant points were made at other questions. Where this was the case, these have been presented together at an appropriate point in an attempt to avoid repetition. This approach has been adopted throughout the analysis.

Analysis of the data and presentation of the information

The analysis of the data and presentation of the information involved a number of stages, as follows:

- Setting and application of tags to identify respondents by category
- Quantitative analysis (where appropriate) particularly for those questions seeking a definitive response
- Identification of key themes and sub themes arising from responses to questions
- Setting and application of tags for responses regarding themes

- Export of all responses to each question and those responses which contained one singular response to all questions, including qualitative responses into an excel spread-sheet
- Summary of findings and preparation of report

Full details of the categories to which respondents have been assigned by the analyst for the purposes of this consultation are in Annex 2.

The analysis has identified some key themes in the comments received which have been used to highlight the range and nature of views.

The quantitative information includes:
- The number of respondents overall and the number/percentages of different respondent by category.
- Proportion of respondents who answered questions
- Views expressed in response to either yes/no or proposed option questions.

The questions asked predominantly sought responses which were qualitative (e.g. by asking respondents to provide reasons for their answers or to explain why they held a particular view.)

Each of the questions included an opportunity for respondents to offer additional commentary by, for example, asking respondents to explain why or provide reasons for their answers.

Qualitative responses by their nature do not lend themselves as easily to simple analysis. It would be inappropriate to attempt to quantify these views for a number of reasons including that:
- Some of the responses represented the views of a number of individuals or organisations
- Many of the detailed responses related to other or multiple questions
- The focus of qualitative analysis has been on range and nature of views and emerging themes rather than a "weighing" of responses

This report attempts to present the overall themes and range and depth of views described. It does not attempt to provide a detailed collection of all the responses received, nor present every individual point made, nor seek to provide a weighting against each response. There is a large volume of detailed information provided in the responses. This analysis has sought to summarise the themes and issues conveyed. There are a large number of quotes used in an attempt to accurately convey the messages contained in the responses. This does not imply that the views of one respondent carry more weight than that of another. Nor does the use of such quotes imply that analysis attaches more weight to these responses but rather that the quotes help to illustrate the theme identified.

The term respondent refers to one response even if it represents the views of more than one respondent or contributor. This is particularly true for partnerships which will represent views of multiple partners.

All responses which have indicated that they are content to be published are available in full on the Scottish Government website at - https://consult.scotland.gov.uk/community-empowerment-unit/community-planning-guidance

The website above includes access to a copy of the consultation document and published responses where consent has been provided.

DETAILED COMMENTARY ON RESPONSES

1. THE PRINCIPLES OF EFFECTIVE COMMUNITY PLANNING

What we asked

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.

Context

1.   Part 2 of the guidance provides further detail about the principles of effective community planning; this forms a major part of the guidance. This recognises that effective community planning requires more than compliance with the duties in the Act.

2.   This question sought to understand whether the principles detailed in guidance were sufficient and whether respondents considered that there should be additional principles to further support effective community planning. Respondents were asked to explain why.

Overall views

3.   84 respondents replied to this question. The majority, 81 (96%) respondents indicated that they broadly agreed with the principles with a number offering further comment. 29 (35%) respondents suggested there should be others or offered revisions to existing principles.

Q1 respondent views: agreement with principles

- broadly agree
- no agreement
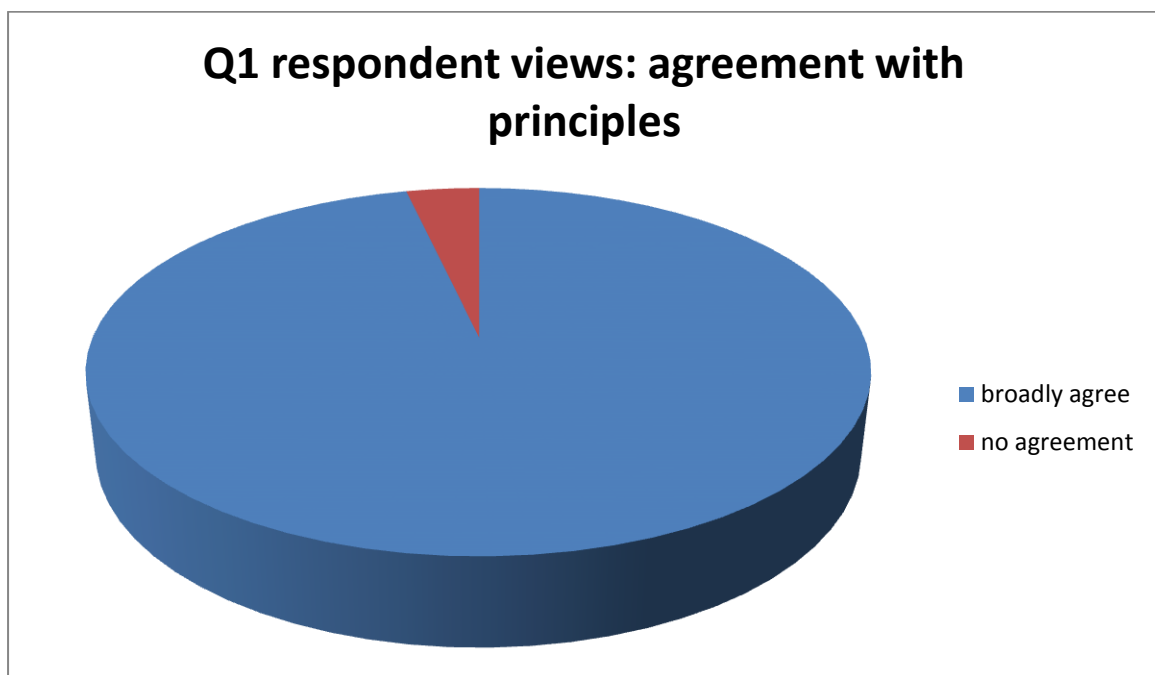
Emerging themes

4.　　Themes emerging in the responses to this question include – welcome for statements clarifying purpose of community planning and broad agreement with principles many of which are already being implemented by CPPs and partners.

Broad agreement with principles in draft guidance

5.　　There was a high level of support for and broad agreement with the principles as outlined in the draft guidance, particularly those which placed an emphasis upon:

- community participation
- shared leadership,
- understanding of local communities' needs, circumstances and opportunities,
- focus on key local priorities

6.　　Many respondents indicated that the principles reflect best practice. Some stated that they build well upon previous materials such as the Statement of Ambition which COSLA and Scottish Government agreed in 2012 and other statements issued since then.

7.　　A small number of respondents who supported the principles considered that there should be no more principles. Their view was that the principles described were well established and recognisable as building upon previous materials such as the Statement of Ambition which COSLA and Scottish Government agreed in 2012 and other statements issued since then from the National Community Planning Group.

8.　　A CPP respondent who welcomed the principles commented "we fully endorse the identified principles of effective community planning, which are consistent with the messages from the Christie Commission and are fully reflected in the work of our partnership". Another CPP respondent reflected this consistency, noting that these principles "should be recognisable concepts to those involved in community planning". A Public Body respondent stated that "the principles are clear and encourage genuine partnership working across all partners at both a strategic and operational level". A Third Sector organisation noted that "guidance embraces 'bottom-up' approaches and encourages CPPs to draw upon the local knowledge and experience of our members".

9.　　The 29 respondents who considered there should be more or who offered revisions replied with a wide range of views, included increased prominence or emphasis upon, for example: duties on named partners to facilitate community planning; regional and pan CPP outcomes; dispute resolution; contribution of wider partners and flexibility of local response.

Community participation

10.   Several respondents from across the categories noted that the important role of communities needs to be reflected throughout community planning, emphasising for example, that communities have a key role in contributing to the ambitious vision that effective leadership requires.

11.   A smaller number of public and third sector respondents emphasised the potential benefits of a high level community participation plan or strategy as part of efforts to build the trust and confidence of communities so that they are meaningfully engaged and with expectations that their voices will be listened to and acted upon.

Shared leadership

12.   Many respondents welcomed the statements in support of shared leadership, with a small number indicating that such references should be more prominent. One CPP respondent in welcoming the principles captured this view by simply stating "We would especially highlight the importance of shared leadership. This has been key to [our] success". A Public Body respondent, who welcomed the section on shared leadership, also considered that "It would be helpful to also refer to the key role of 'communities/community bodies' in contributing to the setting of this vision."

13.   Another Public Body respondent commented that it was crucial that shared leadership approach is translated into practical change on the ground. They considered it important that shared leadership is not simply seen as an issue for CPP Boards but is "reflected in the organisational practices and cultures of community planning partners at all levels". This chimes with comments in guidance relating to proportionate local autonomy and support at operational levels to help develop local responses.

14.   There were a few CPP and local authority respondents who thought that shared leadership should be given more prominence in the guidance without offering detail as to how this should be achieved.

Understanding of local communities' needs, circumstances and opportunities

15.   Many respondents from across the categories who supported the principles for effective community planning welcomed the emphasis on participation with, and accountability to local communities. Some considered this would enable them to develop flexible local responses.

16.   There were strong expressions of support across categories of respondent for the National Standards for Community Engagement and other methods of participating with communities beyond consultation, as ways of supporting stronger participation by communities throughout community planning. One CPP expressed the view that whilst the Public Sector should have a supportive role in enabling community empowerment, they should not direct or control it.

17. A Third Sector respondent considered that the CPP decision making structure "should also include representatives of communities from, throughout the area of the Community Planning Partnership, to present the views and advocate on behalf of the views of communities at this strategic level, as well as within individual communities and localities."

Key local priorities

18. This was viewed by many as supporting local autonomy to determine a small number local priorities upon which they could gain traction. This was both widely recognised as building upon previous statements and was widely welcomed.

19. An NHS respondent summarised the importance of this focus for many when they noted "Key priorities: Acknowledge the important focus on where the collective effort of community planning partners and communities can add most value to improving local outcomes and tackling inequalities".

20. A CPP respondent, who fully endorsed the principles, reflected many others views when they noted that this principle provides them with the flexibility and autonomy from Scottish Government "to respond effectively to identified needs of our communities; and focus on our key priorities".

21. In contrast, a Third Sector respondent expressed "concern that this allocation of resources and attentions could lead to the detriment of other outcomes as a result" even where these were identified and prioritised by CPPs in consultation with communities. This differing view appears to express concern that where CPPs direct resources towards priorities that other non-priority areas may fare less well.

Should there be any others?

22. The majority of respondents were content with the principles as described with many indicating that reflect best practice and others stating that they build well upon previous materials.

23. The 28 respondents who considered there should be more or who offered revisions replied with a wide range of views, included increased prominence or emphasis upon, for example:

- importance and role of non-statutory partners throughout community planning;
- the duties on the named partners to facilitate community planning;
- the contribution of resources from partners to meet CPP priorities;
- flexibility and autonomy of local response;
- cognisance that some outcomes may be regional or pan CPP;
- dispute resolution amongst partners and communities;

24.   A small number of respondents mainly from local authority or CPP were keen to ensure that others recognised the role of all governance partners in facilitating community planning. Formerly, under the Local Government in Scotland Act 2003, it was the responsibility of the local authority alone to facilitate community planning.

25.   Other examples include a small number of Public Body respondents with national or regional focus who were keen to ensure links to pan CPP area issues were emphasised. They noted that this was particularly true in the assessment of local communities' needs, circumstances and opportunities which they illustrated by means of major capital expenditure impacts across multiple CPPs.

26.   A small number of Third Sector respondents requested further information about the transparency of response to engagement requests with community bodies. This request for transparency echoed wider comments from across the categories for dispute resolution processes between partners, regardless of sector or interest.

PERFORMANCE EXPECTATIONS FOR CPPs

What we asked

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?

Context

27.   The draft guidance states that the expectations are intended to be ambitious and challenging. It is important that CPPs understand how closely their own performance matches these expectations and have a clear understanding of the nature and extent of improvement support required to make these ambitions real.

28.   The guidance recognises that if CPPs and partners merely comply with the duties in the Act then we are unlikely to make the improvements our communities seek. It emphasises that effective community planning is founded on genuine challenge and scrutiny in community planning, built upon mutual trust and a shared and ambitious commitment to continuous improvement, and a culture that promotes and accepts challenge among partners. The guidance provides a summary of expectations in relation to each of the principles.

29.   This question recognises an improvement journey for all CPPs and sought to identify whether there should be common short or medium term expectations. These expectations could potentially be in the form of milestones, indicators or measures that would be applicable to all CPP contexts. If so what should these common expectations be?

Overall views

30.   79 respondents provided responses to this question. There were a wide range of replies with some respondents providing comment but without indicating specifically whether they were in favour or opposed to common short and medium term expectations.

31.   38 respondents indicated that performance expectations should be locally defined, with 5 of these respondents stating that these should be set in agreement with their local community. 13 respondents indicated that they considered common short or medium term expectations to be beneficial but there were few suggestions as to what these should be. The remaining respondents provided a wide range of commentary without expressing a clear preference.

Themes

32.　Whilst recognising the potential benefits of common short, medium and long term performance expectations many respondents also commented upon the potential tension between plans that reflect local circumstances and common or nationally set short and medium term expectations for all CPPs. A small number proposed agreed indicators or a suite of indicators from which CPPs could choose to apply to reflect their conditions. Another small number distinguished between expectations for LOIPs and locality plans with those that did so indicating that common expectations were less relevant at locality or neighbourhood level.

Locally determined

33.　Local determination of performance expectations was widely supported across categories of respondent. The reasoning was articulated well by a CPP respondent who considered that "It is essential that CPPs are given autonomy at a local level to identify and to respond the needs of their own communities. This is particularly important to allow development of effective Locality Plans" they continued that "Delivery must be tailored to local need and performance expectations developed to reflect this local context." Other respondents echoed this local determination when welcoming the emphasis on both hard and soft data as part of a portfolio of evidence of continuous improvement. A CPP respondent added that "targets should be locally determined through the principles of tackling inequalities and resourcing improvement". A Public Body respondent in favour of local determination argued that "development of an outcome based performance system focused at a local level should be a key priority for CPPs".

34.　A Local Authority respondent whilst noting the importance of robust performance measurement and effective scrutiny also replied that "The setting of national standards or performance measures sits at odds with" being relevant to local people. This reflects the views of a small number of respondents across categories who queried whether local community empowerment with common nationally set measures was contradictory.

35.　A Public Body which opposed nationally set short and medium term expectations considered that the introduction of common expectations would potentially impact upon local prioritisation and noted that the "Introduction of common specific short or medium term performance expectations will automatically raise the level of priority given to meeting those expectations."

Common set

36.　This view of local determination of short and medium term expectations was not wholly shared by all. A small number of respondents indicated potential areas where commonality would be welcome.

37.   A Public Body proposed that "Performance expectations around the standard of community engagement and consistencies in governance arrangements may be most appropriate for consideration in the short- or medium-term." A CPP respondent considered that the inclusion of a common performance measure relating to active participation by all CPP partners would be beneficial in holding partners to account

38.   One Public Body considered that it would be helpful if guidance identified common expectations in standards of practice – "in particular around the use of data, information and community engagement" to ensure greater consistency across CPPs.

39.   A third sector respondent proposed an alternate approach "rather than common performance expectations, …..a common approach to monitoring impacts and effectiveness of the CPP against their own planning processes may be more appropriate."

Expectations for locality planning

40.   A small number of CPP respondents did not consider that common short or medium term performance expectations were as applicable at a locality planning level. Amongst other things they indicated that the accessibility of national data sets at a level which supports responsive local performance management for locality planning purposes was potentially challenging to the development of common short and medium term expectations due to the limited level of robust and real time data available.

41.   A Local Authority respondent considered that it was difficult to set common short and medium term performance expectations for all CPPs particularly for locality planning purposes as disadvantage varied widely within CPPs and between locality areas. They stated "The broad range of work and interventions that is required across those areas experiencing the most deprivation and inequality will require more resource and will most likely take longer to have an impact (as the resource will have to be spread more thinly or focussed work takes one area at a time) than if it is an area with smaller pockets of deprivation which can more easily be targeted."

42.   Another CPP respondent agreed with a suite of national indicators caveated by local determination "A core set of national indicators would be useful, such as those within the draft Improvement Service Community Planning Outcomes Profile Tool,…. We do not agree with nationally set targets: targets should be locally determined through the principles of tackling inequalities and resourcing improvement. "

In agreement with community

43.   A CPP respondent favoured community involvement suggesting it should be built into performance approaches, indicating that this would ensure that performance frameworks and measures are relevant and provide a meaningful picture of progress for communities.

Short term measure of long term change

44.   A CPP respondent noted the challenge around introducing common short and medium term expectations where the impact of preventative actions, which aim to moderate future demand for crisis intervention services, were likely to be longer term in nature. They were therefore, "cautious about shorter term performance expectations".

What common short or medium term expectations?

45.   Of the 13 respondents who indicated they favoured common short or medium term expectations there was little comment which outlined what these should be. Of these few comments the development of community engagement/participation strategies and understanding of local needs and circumstances were the areas noted as potentially benefitting from common short and medium term expectations.

46.   One respondent considered that each CPP should use their understanding of local needs and conditions to set short and medium term expectations that reflected local circumstances. This supported views from a small number of bodies which considered that practices and standards of engagement and consultation were more suited to common approaches. This may reflect other comments dotted throughout responses to this and other questions in support of the refresh of the National Standards of Community Engagement

47.   A Public Body respondent noted that development of an outcome based performance system focused at a local level should be a key priority for CPPs and were keen to see an evaluation of preventative approaches being developed.

48.   Two respondents suggested common expectations in relation to addressing socio-economic inequalities could be developed with key performance indicator(s) extracted from the national performance framework or developed as part of the library of indicators which would support benchmarking. However, they considered this approach may not be appropriate to locality planning.

TIME PERIOD FOR THE REVIEW OF PLANS

What we asked

Consultation Question 3 re: a specific time period for the review of plans

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?
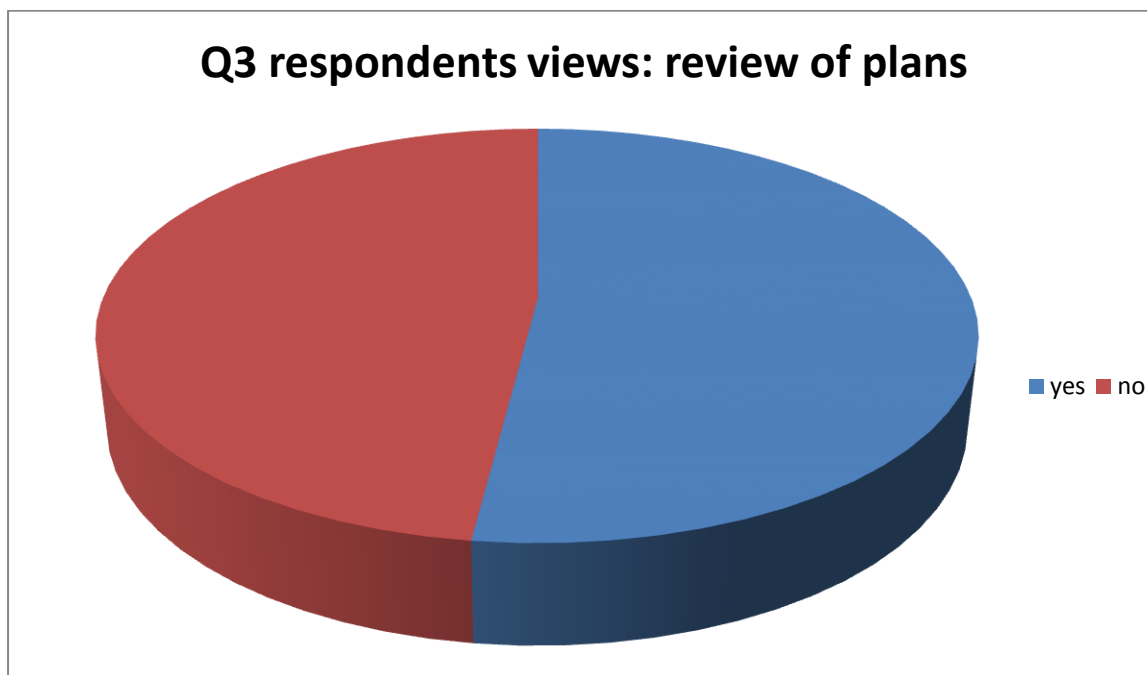
Yes ☐ No ☐

Please explain why.

Context

49.   The 2015 Act states in section 7 that each CPP "must from time to time review the local outcomes improvement plan". Section 11 places an equivalent duty on CPPs for their locality plans.

50.   The draft guidance makes clear that "the CPP must ensure that its LOIP remains up to date and appropriate for delivering improvement on themes which reflect local needs, circumstances and aspirations" (paragraph 147 refers). Paragraph 170 states the same for locality plans and emphasises the import of community participation throughout community planning by stating that having reviewed the locality plan the "CPP may then revise the locality plan, where it and the community bodies consider this appropriate".

51.   Question 3 in the consultation attempted to ascertain respondents views as to whether there was a need for Scottish Government to specify a set period of time for review and if so what it should be and why.

Overall views

Q3 respondents views: review of plans

52.   75 respondents provided a yes/no response to this question. 39 respondents replied yes with 36 respondents replying no. 17 respondents did not reply to the yes /no component of the question. 4 of the 17 respondents who did not indicate a preference included comments in the explanatory section below the question.

53.   41 respondents indicated that decisions on timescale should be flexible enough to allow for local circumstances and be locally determined. Hence there is a small majority both for a specific time period to be placed in guidance and, conversely, local determination of what that time period should be.

Themes

54.   Preferred approaches which respondents identified included nationally set timescales, locally determined periods and an upper limit or range within which CPPs must undertake their review. Some respondents expressed reasons for supporting more than one of these differing approaches.

Support for nationally set timeframe within which CPPs must review their plans

55.   Those respondents who expressed a preference for a nationally set timescale proposed a wide variety of options for revision of local outcomes improvement plans and locality plans. These varied, with no clear consensus, from continuous on-going review, through annually, bi –annually, every 3 years, between 3 and 5 years, 4 to 6 years and beyond.

56.   A third sector respondent considered that consistency of review for all CPPs would support performance benchmarking with an individual respondent expressing that communities want to be able to "compare performance and ranking of their CPP against others". This view was supported by some NHS and public bodies, particularly for those who participate in multiple CPPs who favoured, what they considered to be, a consistency of approach.

57.   Some Local Authority and Community Planning Partnership respondents considered it to be helpful if the review timetable for the local outcomes improvement plan was aligned to local election cycles, which the local authority considered may aid the "consistency for focus at that strategic level". A CPP represented a widely held view that it would be helpful to align with review periods for partners' strategic plans and strategy cycles.

Support for timescales to review plans to be locally determined

58.   41 respondents indicated a preference for local determination of review timeframes. A key reason given was to enable CPPs to align and link timeframes for LOIPs and locality plans with those applying to plans for community justice, integrated joint board strategic plans, children's services plans, spatial planning, etc. As one CPP respondent replied "flexibility allows CPPs to align their local outcome plans with existing local planning cycles and structures, facilitating a streamlined approach which best suits local need."

59.   A Public Body, who replied no, simply commented that "if time periods are to be set then it would be helpful to align with other nationally required timeframes".

60.   A small number of respondents from across categories considered that guidance could set out the expectation that CPPs should provide assurance that a review timescale and process is in place and carried out, without that timescale being prescribed nationally. This was articulated by a CPP respondent who recommended that a "requirement was placed on the CPP to set appropriate timescales….The rationale for these timescales to be clear and transparent" and by a Local Authority respondent who considered that whilst it was for the CPP to determine any review timetable locally, that this review commitment should be made public to their local communities.

61.   Other Community Planning Partnership respondents replied that there are already well-established reporting and review processes for CPPs and that CPPs should "be given flexibility to set review periods based on their own knowledge and understanding" in response to local circumstances. A third sector respondent noted that "plans should be flexible with reviews set accordingly that suit local conditions and circumstances". This appears to echo earlier comments about potential contradiction between local community empowerment with common nationally set measures or conditions.

62.	The range of local conditions and circumstances was also given as a reason for local determination by a local authority who replied no to a specified nationally set timeframe summarised thus "Given that CPPs have different structures for delivery it would be difficult to set a time for review and revision that would suit everyone". Other CPP responses noted the challenge of ensuring synergy in partners' interactions with other strategic plans.

Support for upper limit or range

63.	A number of respondents including CPPs, local authorities, third sector and other public bodies proposed a range or upper limit to the timeframe with local determination within these parameters, to provide a degree of flexibility to enable a local response to changing local circumstances.

64.	A local authority who responded no explained that a "specified time period for review may potentially lead to the establishment of a bureaucratic planning cycle". This supported the views of a small number of others who expressed that it was more important to ensure that plans lead to improvement and that what is being reviewed is meaningful and transparent for stakeholders and communities.

TIMESCALE FOR REPORTING OF PLANS

What we asked

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?
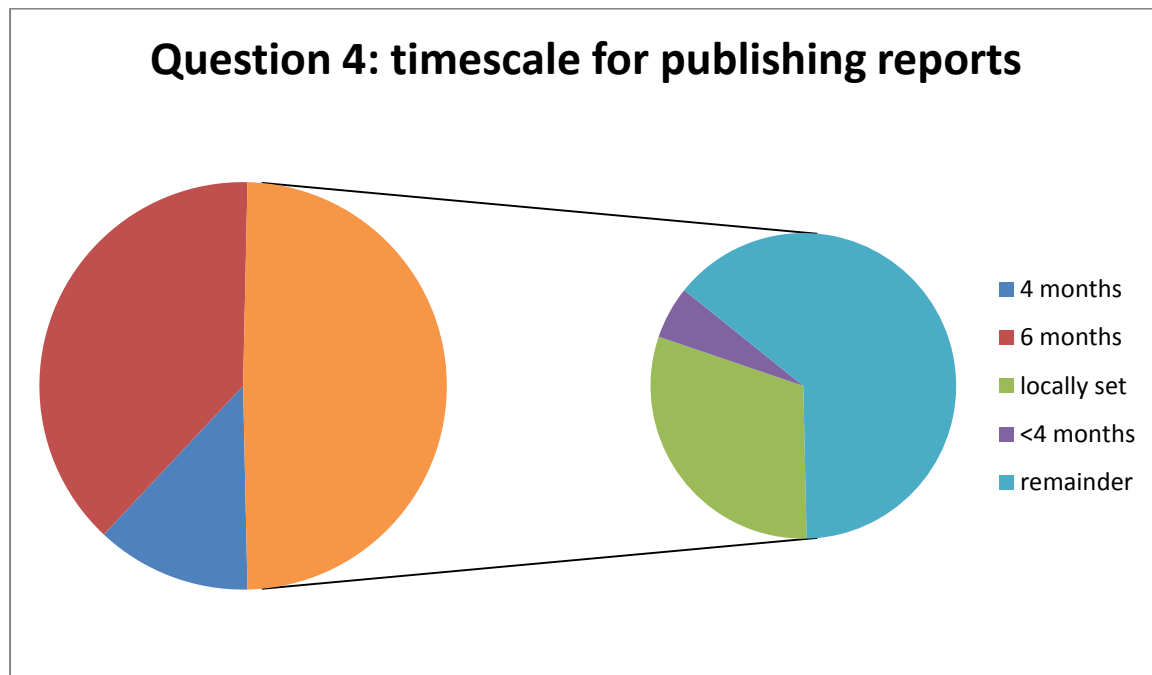
4 months ☐ 6 months ☐ Other ☐

If other please provide timescale. Please explain why.

Context

65.   The 2015 Act states in section 8 that each community planning partnership must prepare and publish a local outcomes improvement plan progress report for each reporting year. Further, that the report should set out the partnerships assessment of whether there had been any improvement in the achievement of local outcomes including the extent to which the partnership has participated with community bodies in carrying out its functions and the extent to which that has been effective in enabling community bodies to contribute.   The LOIP should also set out the extent to which the CPP has participated with community bodies and the extent to which that participation has been effective in enabling community bodies to contribute to community planning.

66.   Section 12 of the Act refers to the preparation and publication of annual locality plan progress reports; similar to LOIPs this should set out the assessment of whether there has been improvement in the achievement of each local outcome in the locality plan.

67.   Progress reporting on local outcomes improvement plans and locality plans enable the community and the community planning partners understand what progress is being made. As stated in the guidance the "Effective performance management should provide assurance on whether and how quickly outcomes are improving and stimulate corrective action where required to address underperformance".

68.   Paragraph 42 of the draft guidance confirms that the CPP should make clear how it is using collective resources to improve local outcomes and reduce inequalities on its priority themes, as part of how it reports to its local communities.

69.   The draft guidance also sought to explain in paragraph 138 that the CPP should set out what steps will be taken over the medium term, either in the LOIP or in publicly accessible supporting documentation to show how resources are being deployed in support of locally agreed outcomes.

70.   Question 4 sought comments as to an appropriate timescale for reporting after the end of the reporting year and the reasoning for such a timescale.

71.   However, in analysing the responses received, some respondents indicated that they were unsure as to the basis of the question with some appearing to interpret the question as proposing publication of progress reports on a 4 or 6 monthly or other basis, rather than reporting annually with the question focusing on the timescale for reporting after the end of the reporting year.

Overall views

72.   Respondents were asked to indicate their preference for publication of reports from one of 4 months, 6 months or other. Respondents who replied other, were asked to explain provide a timescale and all respondents were provided with the opportunity to explain why.

73.   73 responses were received to this question. 9 respondents indicated a preference for 4 months, 28 indicated a preference for 6 months and 36 indicated other. Of the 36 respondents who selected other, 2 expressed a preference for a timeframe less than 4 months, 11 indicated that report publishing timetables should be determined locally with no centrally set timescale.

74. The remaining respondents, who selected other, offered wide ranging comments including a time frame in excess of 6 months.

75.   However, a number of respondents appear to have been confused by the question, with some respondents who have selected other appearing to have interpreted the question as proposing publication of progress reports on a 4 or 6 monthly or other basis, rather than reporting annually with the question focusing on the timescale for reporting after the end of the reporting year.

76. The responses indicate a small majority, (39 out of 73(53%)) of the total respondents to this question considered that CPPs should publish progress reports in a period of 6 months or less.

77. 19 respondents either did not reply to the question or indicated that they had no preference. 4 of the 19 respondents who did not indicate a preference included comments in the explanatory section below the question.

Themes

78. Reporting themes included: tension between developing full data, including the availability of national data sets and the currency and transparency of this information for communities; and queries whether this timescale should differ for LOIPs and locality plans.

Full data versus currency of data

79. Several respondents recognised the tension between providing full data and analysis and providing data that was current, timely and relevant. This tension may indicate a lack of clarity about who this progress reporting is to and what it is for.

80. For the analysis of responses to this question we have also extracted the responses of CPPs, each of whom have already developed CPP reporting approaches in an attempt to reflect the views of those with practical experience of CPP reporting.

81. 18 CPP respondents provided a response to this question, 2 selected 4 months, 7 selected 6 months and 9 selected other. Of the 9 CPPs who selected other, 5 indicated that this should be for local determination with flexibility dependent on local circumstances. The other 4 indicated preferences for a period in excess of 6 months. Hence from this cohort 9 respondents favour a reporting period of 6 months or less, 4 respondents favour 6 months or more and 5 respondents favour local determination.

82. A CPP respondent indicated a preference for publication 4 months after the end of reporting year, "to ensure that the information and the related public performance report is published as close to the relevant year end as possible. This is particularly important with our renewed focus on reporting directly to our communities, rather than to central government". This respondent caveated their response, reflecting upon the challenge of full data versus available data by stating that "an annual performance report is only of value if it contains the relevant statistical information for the year, and preparation of a meaningful annual report within 4 months is subject to the availability of this information."

83. A Local Authority respondent who selected the other option commented that "at an operational level CPPs and delivery partners will monitor their delivery of actions on a monthly/quarterly/bi-annual basis as appropriate". This was supported by a Public Body which favoured publication 4 months after the end of the reporting year which noted that "CPPs will be in the habit of continually monitoring progress and will be well placed to provide progress reports. Six months would be an unnecessary delay in ensuring public awareness of local performance and would restrict agile and adaptive response to emerging issues."

84. A CPP indicating that publishing an annual report 6 months after the end of the reporting year would be a "reasonable compromise" also noted that "performance reporting should not be prioritised above delivery". This supported views expressed by some public bodies that transparency for and to the local community would be best served by publishing reports 6 months after the end of the reporting year.

85. Some CPPs also indicated that the availability and access to national data sets was a determining factor for when they could reasonably publish progress reports. A small number of respondents from CPPs and NHS commented on the value of reporting being in the quality of analysis and noted the benefit of aligning availability and release of national data sets to CPP reporting timescales. An NHS respondent noted that there is a need to consider the LOIPs in the context of other planning and reporting requirements such as the Local Development Plan in the NHS to ensure an industry in writing plans does not evolve and impact on the capacity of all organisations to deliver.

86. One of the nine CPPs, who selected other, argued that CPPs will be focusing on prevention and tackling inequalities and hence many actions and performance indicators will be long term and not lend themselves to more frequent reporting.

87. Whilst another Public Body favouring other indicated that "it would be appropriate to require that each CPP to set a reasonable timescale for producing their plans with a clear and transparent rationale for that timescale". This aligns to some CPP and Local Authority respondents who expressed views that timescales should be flexible and locally determined rather than being set out in statutory guidance.

Should reporting timescales differ for LOIP and Locality plan?

88. An NHS respondent noted that "community driven planning can often be more iterative and requires more flexibility" and hence propose that guidance for locality plans enable CPPs to be as sensitive, proactive and responsive as possible".

89. This view chimed with others who indicated the variation across CPPs in extent and number of locality plans. They considered that the monitoring and reporting of actions and impacts may be more challenging for those CPPs which have more localities addressing disadvantage, particularly where performance information is difficult to gather at smaller more targeted populations.

Reporting to communities

90. A wide range of respondents from across the categories were keen that progress reporting should be accessible, widely obtainable and easily understood. Proposals included that of an online dashboard which may be easier to understand and select areas of interest. Respondents also noted the importance of capturing "public feedback" in reporting.   An NHS respondent in recognising the need for accessibility, commented that "solely relying on an annual report ….may not be suited to all parts of the community". These comments reflect respondents understanding that reporting is for and to communities and that therefore the information contained and the way it is presented should be mindful of and accessible for these communities.

OTHER COMMENTS - GUIDANCE

What we asked

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

Context

91. This question sought to provide an opportunity for respondents to offer their views on the draft guidance which were not captured in their earlier commentary regarding either the principles and expectations of effective community planning or the review and reporting of progress for Local Outcomes Improvement Plans and locality plans

92. In requesting other comments we have found some overlap in themes raised in response to earlier questions. Where this was the case, these have been presented together at an appropriate point in an attempt to avoid repetition

Overall views

93. 73 respondents included additional comments in this section, not all related to the guidance and some reiterated or summarised what had been included in their comments in relation to other questions in the consultation.

Themes

94. Clarity was sought and comments offered in this section in relation to: dispute resolution; accountability to communities, alignment of planning structures and cycles.

Dispute resolution

95. It was also requested by some CPP and Local Authority respondents that guidance include commentary on dispute resolution processes in relation to disagreements amongst partners. A Public Body reflected these comments when stating that "it is not clear what remedial options are available should any partners fail to contribute the resources that the CPP thinks are required"

96. Additionally, Third Sector bodies also sought information on how the CPP will resolve participation and engagement queries in an instance where a 'community' is subdivided into two or more groups who don't agree or share the same opinion.

Accountability to communities

97. A small number of respondents who noted that formal lines of accountability for public bodies remain the same also welcomed the increasing emphasis within guidance on community planning partnership accountability to communities for progress on local outcomes. This included some stating the increasing role that individuals and communities have in scrutinising the quality of public services under the 2015 Act.

Alignment of planning structure and cycles

98. A number of respondents across categories recognised the potential benefits to align planning structures and cycles.   Several respondents emphasised that CPPs should where possible adopt existing sensible structures or be aligned to existing planning structures for other policy areas and planning cycles to reduce duplication.

99. An NHS respondent, who found the guidance helpful, ventured that "There is a need to consider the LOIPs in the context of other planning and reporting requirements such as the LDP in the NHS to ensure an industry in writing plans does not evolve and impact on the capacity of all organisations to deliver".   This echoes earlier messages supportive of Christie Commission principles of making public service delivery more efficient by reducing duplication.

100.   One Local Authority respondent mindful of the differing statutory plans, structures and cycles that they participated in, was concerned to ensure that local Boards with statutory duties fully understand how the expectations of the Community Empowerment Act and other national policy expectations placed on them and other Boards to deliver specific targets interrelate.

CRITERION FOR LOCALITY PLANNING REGULATION

What we asked

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?

Context

101.   Section 9 of the Community Empowerment (Scotland) Act 2015, states that each CPP "must divide the area of the local authority into smaller areas" and that the smaller areas must be of such type or description as specified by regulation. It continues that "the community planning partnership must identify each locality in which persons residing there experience significantly poorer outcomes… than those experienced by persons residing in other localities within the area of the local authority, or those experienced generally by persons residing in Scotland."

102.   Section 10 of the Act states that "each CPP must prepare and publish a locality plan for each locality identified by virtue of section 9". The Act goes on to provide detail of what a locality plan sets out and who the CPP must consult with and take account of in preparing and publishing a locality plan. The Act also includes provisions about the locality planning review in Section 11 and progress report in Section 12.

103.   A CPP may choose to develop locality plans for all subdivided areas (localities) within the area (Section 10 (2) refers). The 2015 Act ensures that each Community Planning Partnership must have at least one locality and that it should be smaller than the area of the CPP as a whole.

104.   The draft Guidance in the section on identifying localities (page 40-41) explains the purpose of and reasons for locality planning, that it "enables CPPs and their partners to tackle inequalities …. in well targeted and effective ways" whilst "it is often easiest for community bodies to participate …… where it can have most relevance to their lives".

105.   The guidance also states that "the CPP should use its understanding of local needs, circumstances and opportunities to identify those localities for which it should undertake locality planning". It goes on "While the nature of inequality may vary from one CPP area to another, there is in every area some variation in the outcomes experienced by different communities." Paragraph 151 of the draft Guidance also noted that "Locality planning alone is unlikely to be enough to fulfil the duty on CPPs ….to act with a view to reducing inequalities of outcome which result from socio-economic disadvantage"

106.   This consultation question proposed a single criterion based on population maximum for determining a locality plan.

Overall views

107.   57 respondents replied to the question, that the draft regulation for locality planning should set one criterion only, which is a maximum population permissible, 30 indicated yes and 27 indicated no.   35 respondents did not clearly respond to the yes/no element but 17 of this number provided comments. This relatively large number of respondents who did not answer yes or no but included their views may indicate that yes/no decision making on this question was complex. Overall there was a great deal of lengthy commentary provided by respondents.

Themes

108.   There were wide ranging views expressed in relation to this question with themes emerging around issues such as differing local determination of criteria, existing structures, community identity, communities of interest and urban and rural views.

109.   Those who indicated yes indicated that a single criterion would be helpful for developing a more flexible local response. Whilst some expressed their preference for no criteria and local determination of the appropriate criteria. Respondents across categories generally welcomed locality planning as an approach that supported efforts to address the needs and aspirations of identified communities rather than the whole CPP area population.

110.   A potential tension identified was the balance between a locality being large enough to ensure effective partnership working and small enough to ensure effective community engagement. Hence, a locality of 30,000 may not be an appropriate size for ensuring impact from targeted resources; however, partners may have limited operational capacity to engage with a locality with a smaller population size.

111.   A small number of respondents in favour of a maximum population criterion also indicated that if locality is too large then there was increased likelihood of non-participation and less of a connection between people in that community.

Locally determined

112.   A number of those respondents who replied no considered that population was not a helpful way to develop criteria for localities. One local authority respondent summarised these replies when stating that "localities should fit to communities not populations". Another that it should be a local decision based on research and local understanding. Generally respondents who indicated no considered that localities should represent a sense of place rather than arbitrary boundaries set by population.   Some argued that local community identity is not a one size fits all artificial number. An NHS respondent captured this view by stating that it was "unhelpful to prescribe where locality lines should be drawn on basis of population".

113.   Many of the respondents who did not favour a single criterion and some of those who did not directly answer the question from across the range of disciplines disagreed with a nationally set population criteria.

114.   This included those CPPs which have already identified 'localities' which exceed the maximum population number proposed in the criterion. They considered that the proposed regulation should not include a population criterion.

115.   A CPP contended that they have "a good understanding of their local areas and should be allowed to identify what the most appropriate boundaries are." Other respondents from across categories replied by indicating that the criterion, a population maximum of 30,000, should not be artificially set. Respondents from CPPs, local authorities and Third Sector commented that locality planning should be based on sound evidence and the participation of communities. They contend that the CPP should be responsible for setting out and justifying the basis for their decision making. This local determination was supported by a Third Sector body which simply stated that "evidencing the rationale for localities is more important than population".

116.   A Local Authority supported this view when articulating that "Localities have little to do with population size and therefore, setting this as a criteria [on] is likely to misdirect". They continued that "guidance should go no further than highlighting the importance of addressing disadvantage and inequality".

Existing structures

117.   Respondents from across the range indicated benefits to localities mirroring existing sensible structures either already adopted in a CPP context or be aligned to existing planning structures for other policy areas and planning cycles.   Some CPPs and local authority respondents welcomed the flexibility this single criterion provided, with one stating that it allowed them to "build on existing identified 'localities', rather than create artificial boundaries".

118.   These benefits included avoiding duplication and efficient use of resources for all partners, including communities. This may also reflect the challenge recognised by some respondents of balancing an approach to locality planning which is large enough for effective collaborative working whilst small enough to support effective community engagement.

119.   Out-with the increased efficiency from aligning existing structures a CPP also noted that "there would be difficulties for both service providers and communities if there were to be a plethora of different locality plans, using different boundaries, covering the same area which may result in duplication and confusion."

Community identity

120.   Not all respondents considered population criteria as a suitable basis for identifying localities. A small number indicated that a sense of local identity was what was important regardless of the population size.

121.   A Third Sector respondent summarised this view when commenting that "Localities should also be defined by taking into account to where communities feel that they naturally exist, and share a distinct sense of identity and character"

122.   This was partially supported by an NHS respondent who considered that "direction that 1) reflects wherever possible community identified boundaries 2) enables neighbourhood/community partnership working practices 3) strengthens asset based approaches and 4) meets a specified socio-economic deprivation characteristic, is more important than the number of people. " for the development of localities.

123.   A local authority noted that they had an administrative locality area in excess of 30,000 population but that their plans for this locality will focus in on particular areas with the aim of tackling inequalities more locally. They expect that in practice, some very small communities would have a locality plan.

124.   The role of communities in establishing localities was conveyed best by a public body which noted that "Communities themselves must be instrumental in identifying a locality that works for them. Localities should not be decided on using traditional boundary markers such as wards alone. Localities should be based on natural neighbourhoods wherever possible."

Urban or rural

125.   Some respondents considered that maximum population as a criterion may suit an urban rather than rural setting, particularly for those parts of the country where the maximum exceeded either the total population or the total population found in the largest concentrations in predominantly rural areas. Rural and island respondents were generally less concerned about the maximum, which led one island respondent to propose that they should have a single locality plan for the whole CPP area.

Communities of interest

126.   A CPP suggested that a community of interest or particular groups identified at risk of disadvantage or significant inequality should be added to the criteria in the regulation. Whilst another CPP noted that in rural areas, localities should focus more on the concept of communities of interest than of communities of place.

MAXIMUM POPULATION BASIS FOR LOCALITY PLANNING REGULATION

What we asked

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?

Context

127.   The draft regulation proposes that a locality must be "an electoral ward; or a geographic area with a population that does not exceed 30,000.

128.   Paragraph 157 of the draft guidance states that a CPP may choose to identify localities through formal boundaries or take account of other factors which can identify local civic identity and attachment. The Guidance continues (paragraph 158) that "in practice we expect CPPs will often identify small communities (with populations of fewer than 10,000 residents) as localities" and that provided criteria are satisfied, the localities may, but need not, be the same as those identified for health and social care integration.

129.   This series of consultation questions seeks to understand whether there are factors which would inhibit the use of the proposed maximum population criteria and what the impact would be if that criterion were to be lowered. Under the proposed regulation a locality would therefore have a population of equal to or less than 30,000 with the exception being a local authority ward area being designated as a locality even if that ward area has a population in excess of 30,000.

130.   The guidance recognises that locality planning it is not the only means by which CPPs should seek to address inequality and CPPs should fulfil their duty under section 5 of the 2015 Act in other ways including for communities of interest and specific households experiencing disadvantage.

Overall views

131.   70 respondents replied to this question with a wide ranging and lengthy commentary provided in support of views expressed.

Themes

132.   Emerging themes in response to this question include: the potential difference of views between rural and urban areas; community involvement in setting locality; balance between size of locality and structures to support implementation; existing locality structures and potential confusion around locality terminology.

Difference between urban and rural

133.   Some CPP sought less prescription whilst noting that as largely rural areas the criteria would not impact upon them but may prove more challenging for urban areas.

134.   As noted earlier, rural and island respondents were generally less concerned about the 30,000 maximum population criterion identified in the regulation. They did not recognise this as being helpful in establishing localities.

135.   Some Third sector respondents rejected the exception proposal to designate an electoral ward area as a locality even where its population exceeds 30,000 on the basis that electoral wards are not necessarily linked to communities.   Whilst other third sector and individual respondents considered that CPPs should be encouraged to identify localities of much smaller size.

Community involvement in setting localities

136.   A Public Body stated that "A maximum size may be helpful but given the diverse sizes and concentrations of populations perhaps it would more appropriate if the CPPs and communities should have the flexibility to identify the localities and the population size which can support the development of priorities for each CPP. Whilst a CPP added that it "should be left to CPPs, in consultation with the community, to agree the size of localities". They considered that "subdividing ….into smaller areas would undermine work to date, be resource, intensive, and risk jeopardising community buy-in"   This concern was voiced by a public body which stated "setting a maximum population size for localities when any size limits risks appearing arbitrary and might inhibit local flexibility "and continued "Communities themselves must be instrumental in identifying a locality that works for them".

137.   A third sector respondent who did not directly reply to the yes no element replied that "localities should also be defined by taking into account to where communities feel that they naturally exist, and share a distinct sense of identity and character."

Balance of communities and structures

138.   Echoing earlier comments in response to question 6, respondents across categories recognised a potential tension between the appropriate scale of localities and partner's capacity to engage effectively with a locality with a smaller population size.   This was envisaged as particularly challenging for those CPP areas where there are more localities experiencing disadvantage relative to the rest of Scotland. A Public Body noted that increasing demand for data and analysis at a more local level may outstrip current capacity of partners to address.   Another Public Body respondent encapsulated this tension when proposing that a "locality should be large enough to ensure effective partnership working and small enough to ensure effective community engagement."

Existing locality structures

139.   A local authority respondent noted that "The Integration Joint Board has defined localities …. which considerably exceed the 30,000 limit proposed – and as a partnership we would wish to be able to use these localities more generally." They continued "The principle should be to target resources where the need is greatest, rather than to meet specific criteria for population size". The response makes no reference to what the maxima or minima should be in relation to population.

140.   Some CPP, Local Authority and Public Body respondents noted that they should have the ability to have a flexible approach to designating localities with the identification of localities mirroring existing sensible structures and arrangements. A CPP favoured "Flexibility to align plans to existing local planning cycles and structures facilitating a streamlined approach which best suits local need". Others welcomed this as an opportunity to develop consistency with other planning structures.

Potential confusion

141.   A range of respondents also made a number of other suggestions and requests for more information and greater clarity, for example, some have expressed confusion over the term "localities" which is utilised in integrated health and social care plans and also in community planning contexts for locality plans. One CPP respondent commented that "If terminology was changes to reflect that CPPs are working in communities/ neighbourhoods rather than localities that would allow a more comprehensive local approach to be taken".

142.   In paragraph 159, the draft guidance confirms that "provided other criteria are satisfied, the localities may, but need not be the same as localities in the CPP area which are identified for the purposes of health and social care integration". Respondents indicate that this may potentially create confusion for both communities and officers when referring to their "localities".

OTHER COMMENTS – REGULATION

What we asked

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

This question sought to provide an opportunity for respondents to offer their views on the draft regulation which were not captured in their earlier commentary regarding a single criterion as a basis for locality planning with a population maximum.

Overall views

143. 34 respondents added additional commentary regarding the draft regulation. Not all of these comments related to the draft regulation with some reiterating what had been included in their comments in relation to earlier questions in the consultation.

Themes

144. There was wide ranging commentary provided in the responses to this question, with themes emerging around: effective engagement and participation; spread and depth of inequality.

Effective engagement and participation

145. This theme was highlighted by a range of respondents and possibly most simply when a public body stated that "effective community engagement is often most challenging with the communities who need the most support".

146. This was followed by a number of comments relating to engagement support and planning with one third sector respondent keen to see a Community Participation Plan indicating that "How much Community Planning Partnerships involve communities will determine the success of the wider Act."

147. A Public Body also sought more clarity around who has responsibilities for developing communities' ability to engage in the community empowerment agenda.

148. Whilst another Public Body expressed "concerns relating to community capacity …risk that the least deprived communities are the ones which are most likely to avail themselves of the new legislative powers. This, in turn, may well have some detrimental impact on CPPs' abilities to support positive change within the most deprived communities."

149. This concern about resources was also relayed in a response from a Public Body who considered a potential danger in that "significant increased demand" for local supports assessments and other analytical products will outstrip capacity of partners to supply.

Spread and depth of inequality across CPPs is not the same

150.   This was considered especially challenging for those CPPs which have more localities experiencing disadvantage as they respond to relatively greater identified need by, amongst other things developing and supporting more communities participate in more locality plans

151.   Communities experiencing disadvantage will require support to enable them to participate fully in their locality plan, and some respondents considered that this is likely to be greater in those areas with a higher level of disadvantage or potentially more pockets of such disadvantage.

152.   Some respondents considered locality planning duties will exacerbate any community capacity building issues at play in CPP areas with higher levels of disadvantage, as CPPs seek to secure the participation of community bodies representing the views of those experiencing disadvantage and whose views have historically been less well recognised.

153.   An NHS respondent considered that the task of locality planning will vary across partnerships with some experiencing higher levels and more 'pockets' of inequality, they also venture that all need to recognise limitations to ability of locality planning to reduce inequalities to avoid potential for inequality to be perceived as fault of those communities.

154.   Others considered that the regulation was challenging for island communities in that inequality was spread across populations rather than concentrated in geographic pockets. Island respondents stated that the criteria maxima would have no impact as their entire population was below the maxima for a locality.

EQUALITIES

What we asked

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

Context

155. Section 5 of the Act places duties on each community planning partnership to act with a view to reducing inequalities of outcome which result from socio-economic disadvantage unless the partnership considers that it would be inappropriate to do so. The Act places duties on CPPs and partners to secure the participation of community bodies throughout community and locality planning.

156. Section 4(6) of the Act makes it clear that CPPs must have regard in particular to those bodies which represent the interests of persons who experience inequalities of outcome.

157. Further, CPPs should describe the extent to which they have been effective in enabling community bodies to contribute to community planning in [the] progress report as per section 8 (2)(b)(i and ii) and community planning partners should provide such resources as the CPP considers appropriate to secure the participation of community bodies in community planning as per section 14(3)(b).

158. Draft guidance provides further detail about approaches to equality under the section on tackling inequalities in Part 2 principles of effective community planning and throughout Part 3 specific guidance on statutory plans. Part 3 provides further support to assist partners undertake locality planning. Locality planning presents opportunities for CPPs and their partners to tackle inequalities in well directed and effective ways.

159. Guidance also states that locality planning alone is unlikely to be enough to fulfil the duty on CPPs under section 5 of the 2015 Act, to act with a view to reducing inequalities of outcome which result from socio-economic disadvantage and that inequalities are not always experienced in neat [geographic] concentrations.

Overall views

160. In total there were 70 responses to this question which were very wide ranging with some repeating comments and views expressed in response to earlier questions.

Themes

161.   Some of the broad themes emerged around the potential tensions between a focus on geographic communities at expense of communities of interest. Other issues concerned the importance and challenge of securing the participation of those experiencing disadvantage and the potential unintended consequences of ignoring the views of those who wish to participate in pursuit of those whose participation is most challenging to secure.

Communities – geographic and of interest

162.   A small number of respondents commented on the potential for a focus on localities to be at expense of communities of interest.   A local authority summarised this for many when noting that care must be taken to ensure that focus on geographies of concentrated deprivation does not lead to reductions in focus on protected characteristics groups and the barriers and inequalities they face.

163.   A CPP respondent echoed this "potential for targeted locality planning approach [for geographic communities]to be prioritised over communities of interest" particularly for the large number of people who experience poor outcomes but live out-with concentrated geographic areas that they considered may be adopted for locality planning.

Socio economic disadvantage and protected characteristics

164.   Some respondents suggested a possible tension between equality of provision of universal services and the need to align services and resources to where need is greatest. With a third sector respondent keen to strengthen the link between principles concerning the understanding of local communities' needs circumstance and opportunities, with those for tackling inequalities.   So that CPPs and partners in "developing their LOIPs, understand that they are required to pro-actively identify the needs of communities with protected characteristics in their area before reflecting these in the setting of priorities". Others proposed emphasising the potential role of Equality Impact Assessments for each CPP and partners in setting priorities for community planning.

165.   Some respondents considered that addressing inequality should extend to those with protected characteristics as well as those experiencing socio economic disadvantages. A Third Sector respondent suggested that it may be helpful for the regulations and guidance to "reference equality issues articulated in the revised National Standards for Community Engagement".

166.   This appears to be supported by a CPP respondent who commented that in respect of equalities they should "take into account the protected characteristics detailed in the Equality Act 2010, as well as socio-economic factors".

Securing participation

167.	A local authority respondent noted that securing the effective participation of those groups which are hardest to access will take a lengthy period of time and sustained interaction.

168.	One respondent, wary of unintended consequences, considered that securing the participation of those most difficult to engage "shouldn't be at cost of ignoring those who wish to participate".

Annex 1: The Consultation questions

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

Questions

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.

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?

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.

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 ☐
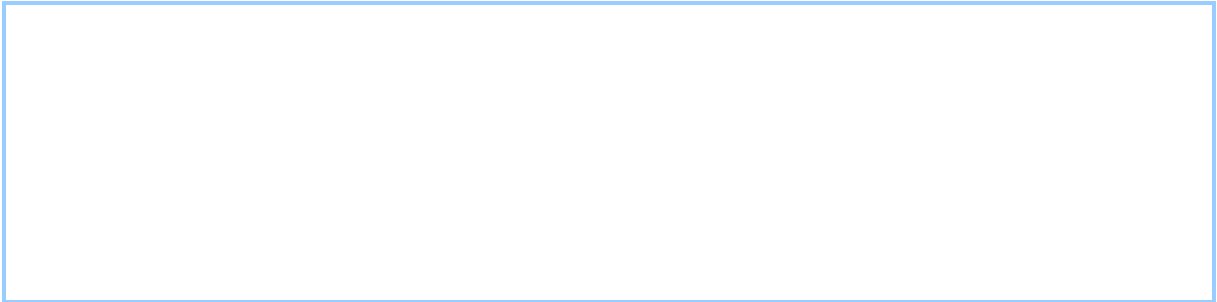
If other please provide timescale. Please explain why.

Q5. Do you have any other comments about the draft Guidance?
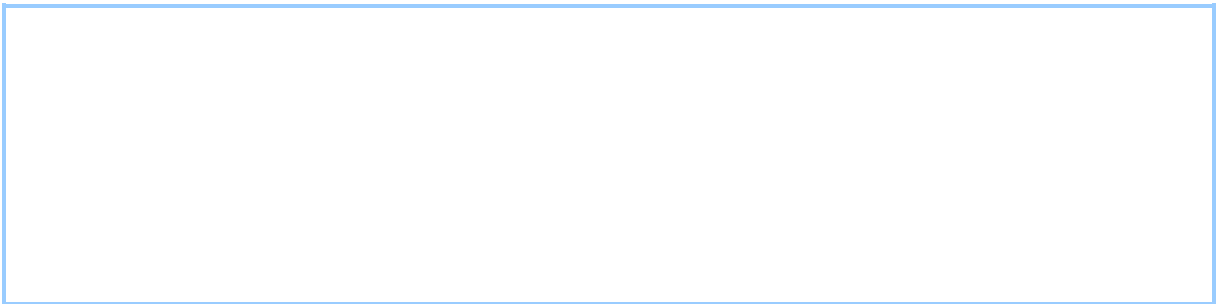
Q6. We propose that the draft regulation for locality planning should set one criterion only, which is a maximum population permissible for a locality. Do you agree? What are your reasons?

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?

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

45

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

Annex 2: The respondents who have provided consent for their details to be published and their classification for the purposes of this consultation

Individual

Bryson McNeil

Organisation

Classification - third sector

Aberdeen Civic Forum
CEMVO Scotland
CLEAR Buckhaven
Coalition for Racial Equality and Rights
CVS Inverclyde
Glasgow and West of Scotland Forum of Housing Associations
Nairn Residents Concern group
National Third Sector GIRFEC Project
Scottish Allotments and Gardens Society
Scottish Commission for Learning Disability (SCLD)
Scottish Community Development Centre
Scottish Community Development Network
Scottish Federation of Housing Associations
The Cockburn Association
Third Sector Dumfries and Galloway
Voluntary Action Scotland
Voluntary Action South Lanarkshire

Classification - Community Councils

Gorebridge Community Council
Newtonhill, Muchalls & Cammachmore Community Council
Oban Community Council

Classification – Community Planning Partnerships

Aberdeenshire Community Planning Partnership
Angus Community Planning Partnership
Argyll and Bute Community Planning Partnership
Clackmannanshire Alliance (CPP)
Community Planning Aberdeen
Community Planning West Dunbartonshire
Dumfries and Galloway Strategic Partnership
Dundee Partnership
East Ayrshire CPP
Highland Community Planning Partnership
North Ayrshire Community Planning Partnership
North Ayrshire Community Planning Partnership
North Lanarkshire Partnership

Outer Hebrides Community Planning Partnership
Renfrewshire Community Planning Partnership
Scottish Borders Community Planning Partnership
Shetland Partnership
South Ayrshire Community Planning Partnership
The Orkney Partnership
West Lothian Community Planning Partnership

Classification – Local Authority

Aberdeenshire Council
East Dunbartonshire Council
East Renfrewshire Council
Falkirk Council
Glasgow City Council
Highland Council
Inverclyde Council
Midlothian Council
Moray Council
North Ayrshire Council
Perth and Kinross Council
South Ayrshire Council
South Lanarkshire Council
Stirling Council

Classification - NHS

Greater Glasgow and Clyde NHS Board
Healthcare Improvement Scotland
NHS AYRSHIRE and ARRAN
NHS Grampian
NHS National Services Scotland
NHS Highland
NHS Health Scotland

Classification – other

Carnegie UK Trust
Chartered Institute of Housing Scotland
Glasgow Centre for Population Health
PAS
RCGP Scotland
Royal College of Nursing Scotland
Scottish Land & Estates

Classification – Public Body

Aberdeenshire Alcohol and Drug Partnership
Aberdeen City Health and Social Care Partnership
Audit Scotland
Cairngorms National Park Authority
Colleges Scotland
Community Learning and Development Standards Council for Scotland
Glasgow City Integration Joint Board
Glasgow Clyde College
Highlands and Islands Enterprise
Historic Environment Scotland
Loch Lomond and the Trossachs National Park
Museums Galleries Scotland
North East Scotland College
Police Scotland
Scottish Enterprise
Scottish Fire and Rescue Service
Scottish Natural Heritage, Great Glen House, Leachkin Road, Inverness, IV3 8NW
SEStran
Skills Development Scotland
Strathclyde Partnership for Transport

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