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Statutory Bodies in Community Planning: Scotland

This paper is in response to a request from the Environment Committee on the contribution of statutory bodies to community planning in Scotland. The paper describes the connection made between statutory planning partners under the Local Government Bill in Northern Ireland, for comparison with the detail given on the situation in Scotland.

Background

Local Government Bill NI

Under Clause 70 of the Local Government Bill, the Department of the Environment (DOE) is given the power through subordinate legislation to specify the bodies who are to be the community planning partners of a council. However there is no provision in relation to their level of contribution and accountability to the process:

70.—(1) The Department may by order specify the bodies or persons who are to be the community planning partners of a council.

(2) The Department must not make an order containing provisions under subsection (1) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(3) The Department must not make an order under subsection (1) unless it has consulted—

(a) the bodies and persons specified in the order as community planning partners of a council;

(b) district councils; and

(c) such other bodies and persons as the Department considers appropriate.

(4) Subsections (2) and (3) do not apply to an order under subsection (1) which is made solely in consequence of a change of name of a body or in consequence of a body ceasing to exist; but such an order is subject to negative resolution.

New guidance on community planning

In October 2013 the DOE published “Guidance to Councils: Community Planning Foundation programme”.¹ The aim is to assist statutory transition committees, the new councils and their community planning partners during shadow period in preparation for the statutory community planning duty in April 2015. The guidance sets out key principles necessary for community planning to work effectively.

In relation to community planning partners it highlights the duty put on them to participate and that partners will be identified through subordinate legislation. However it does not give any more detail on the direct level of contribution required from these partners.

The guidance states that one of the key principles “participation and engagement” is essential to community planning in developing a two way relationship with communities and community planning partners. However it notes that there is no fixed approach to ensure engagement or participation and that it will be up to councils to select the appropriate method.²

The guidance does mention the need for monitoring accountability for the delivery of actions by local, central government and key agencies, so as to ensure buy-in to the process. However there is no direct reference made to statutory partners and their duty.³

¹ DOE (2013) *Guidance to Councils: Community Planning Foundation Programme*. Available at http://www.doeni.gov.uk/local_government_reform

² Ibid (page 13)

³ Ibid, (page 25 paragraph 59).

Also, the guidance details that community planning partners, along with councils will be responsible for monitoring progress against planning objectives, and will produce a statement on progress every two years. This in itself may require a level of commitment and continued contribution from partners.⁴

However, the guidance is non-statutory, therefore anything mentioned in relation to statutory partner's contribution and accountability that goes beyond the detail in the Bill means statutory partners are not obligated to it.

Scotland

In Scotland community planning is described by Audit Scotland⁵ as

*the process by which councils and other public sector bodies work together, with local communities, the business and voluntary sectors, to plan and deliver better services and to improve the lives of people who live in Scotland.*⁶

Community planning was given a statutory basis by the Local Government in Scotland Act 2003 which provides that:

- councils have a duty to initiate, facilitate and maintain community planning;
- NHS boards, the police, fire and rescue services, and enterprise agencies (Scottish Enterprise and Highlands and Islands Enterprise (HIE)) have a duty to participate in community planning. This duty was later extended to Regional Transport Partnerships; and
- Scottish ministers (through the Scottish Government and its agencies) have a duty to promote and encourage community planning.

Other bodies which are not statutory bodies can be invited to take part in the process by councils i.e. colleges, higher education institutions, business groups, voluntary organisations and community groups.⁷

⁴ Ibid (page 3, paragraph 12)

⁵ Audit Scotland is a statutory body set up in April 2000 under the Public Finance and Accountability (Scotland) Act 2000. It provides services to the Auditor General for Scotland and the Accounts Commission. Together they ensure that the Scottish Government and public sector bodies in Scotland are held to account for the proper, efficient and effective use of public funds.

⁶ Audit Scotland (2013) *Improving Community Planning in Scotland*
http://www.auditscotland.gov.uk/docs/central/2013/nr_130320_improving_cpp.pdf

⁷ Scottish Government, *Local Government in Scotland Act 2003 Community Planning: Statutory Guidance*. Available at <http://www.scotland.gov.uk/Publications/2004/04/19168/35271#3>

Role of Statutory bodies in Scotland

Partners have a duty under the 2003 Act to participate in community planning, however the Act does not specify the level of contribution that is expected of them to ensure they participate to a consistent and satisfactory level. This being said, a number of methods have been used to try and address this through the Community Planning Partnerships, Single Outcome Agreements (SOAs) and more recently a Statement of Ambition, both of which require partners to make more of a commitment. In March 2013 Audit Scotland, in its review on community planning, made a number of statements and recommendations needed to ensure a consistent contribution across all partners involved in community planning.

CPPs

Community Planning Partnerships (CPPs) have been established by all councils to lead and manage community planning. The structure and areas they cover vary depending on the size and geography of a council, its economy, socio-demographic factors and local political priorities. They are not responsible for delivering public services, but they are required to engage with communities, report on progress and publish details on implementation, outcomes and improvement.⁸

Single Outcome Agreements

In 2007, the Scottish Government and the Convention of Scottish Local Authorities (COSLA) signed a concordat which brought about the introduction of Single Outcome Agreements (SOAs). These had a direct impact on the implementation of community planning as they outlined each CPP's strategic priorities and set out how they contribute to achieving national outcomes.⁹

For more detail see the example from Fife at the end of this paper which shows how the SOA contributes to ensuring contribution from all community planning partners

New Statement of Ambition

Following a review of community planning and SOAs in 2012, the Scottish Government and COSLA published a Statement of Ambition setting out improvements and expectations for community planning. One aspect of this Statement is to ensure that the Scottish Government and CPP partners show strong and sustained leadership to deliver the suggestions made; this includes ensuring that health boards and other public bodies are held to account for their contribution to CPPs.¹⁰

⁸ Audit Scotland (2011) *The Role of Community Planning Partnerships in Economic Development*

⁹ Scottish Government: Single Outcome Agreements

<http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012>

¹⁰ Single Outcome Agreements – Guidance to Community Planning Partnerships, Scottish Government and COSLA, December 2012. Available at <http://www.scotland.gov.uk/Topics/Government/local-government/CP/SOA2012/SOA2012>

The Statement has three core principles, one of which is “*Strengthening Duties on individual partners.*” The aim of this is:

- To maximise the contribution that public sector bodies make to the delivery of local outcomes and to sharpen partners’ focus on the core purpose of community planning; and
- To improve partnership working- the letter stated that where it is agreed that a partnership or integrated approach is required, a body would be expected to deliver this as part of its objectives. Scottish Ministers will hold appropriate individual partners to account for the effective discharge of the shared duty.¹¹

Audit Scotland

In its review of community planning in 2013, Audit Scotland made the following observations and suggestions with regards to community planning and its relationship with and role of statutory bodies:

Governance and accountability

Governance and accountability arrangements for community planning have been weak where individual partner organisations have not been routinely or robustly held to account for their performance as a member of the CPP. Audit Scotland is of the opinion that as a result of this there are no consequences for not participating fully, or sufficient incentives to try and change behaviours. With little evidence that community planning is integrated within the formal governance structures of CPP partners, CPPs have no real authority to make decisions that commit partners to action.¹²

Furthermore, it has been observed that statutory bodies such as NHS and Scottish Enterprise have participated with varying degrees of commitment to community planning due to different accountability arrangements. Therefore it has been suggested that more clarity is needed within CPPs about who is accountable to whom, for what and by when.

Service and financial planning

CPPs need to ensure that all partners align their service and financial planning arrangements with community planning priorities. Audit Scotland suggested that budget setting and business planning decisions by CPP partners (i.e. councils and NHS boards) take full account of community planning priorities and SOA commitments.

¹¹ Scottish Government and COSLA (2012) *Review of Community Planning Update* letter to local authorities. Available at <http://www.scotland.gov.uk/Topics/Government/local-government/CP/cpreview>

¹² Audit Scotland (2013) *Improving Community Planning in Scotland*. Available at http://www.audit-scotland.gov.uk/work/all_national.php?year=2012

Leadership

Audit Scotland found inconsistent leadership across three previous CPP audits they performed. This was particularly in relation to the level and range of NHS and other national bodies' engagement with the CPP process. However it noted that the Scottish Government is seeking to deal with this and has set out more clearly its expectations of how those national bodies should be involved in community planning.

Direction and Expectations

Due to clearer direction and expectations from the SOA and the National Community Planning Group, councils appear to be operating community planning as more of a shared enterprise. Audit Scotland suggests that this should be reinforced with a clear set of expectations for how national bodies should take part in community planning underpinned by statutory duties set out in legislation, such as the Community Empowerment and Renewal Bill.

Behavioural change needed

Appreciating that legislation alone is not sufficient to create behavioural change, it is suggested that clear and consistent messages should be sent to public sector leaders, non-departmental public bodies and agencies. These should communicate the expected roles in supporting community planning, whilst promoting the process as core to the operation of their business.

Example: Fife

Fife's Community Plan 2011- 2020 is the overarching strategic plan for Fife. It provides a framework for other strategies and plans to deliver the outcomes in the community plan.

The plan is based on detailed analysis of future risks and opportunities for Fife for which partners are needed to implement the changes that are required to minimise risks whilst realising opportunities. According to Fife, this is only possible through effective engagement and partnership working with individuals, families, communities and private, voluntary and public sectors.

The Community Plan identifies shared outcomes to which the partners sign up to, and these partners include:

- Fife Council;
- NHS Fife;
- Police Scotland;
- Fife Voluntary Action;
- Scottish Fire and Rescue Service;
- Scottish Enterprise;

- Skills Development Scotland;
- Fife College;
- St Andrews University;
- South East Scotland Transport Partnership (SEStran); and
- Scottish Government.

For more information on Fife's Partnership structure see the [Fife Partnership Resource Pack](#)

Fife's Community Plan and Single Outcome Agreements

Fife's Community Plan 2011– 2020¹³ sets out three high level outcomes (SOAs), each with a number of long term outcomes. These outcomes are:

1. Reducing inequalities

- Making Fife's communities safer;
- Meeting the need for suitable housing choices;
- Reducing low income households;
- Increasing the capability of Fifers to take action and make a difference to their communities;
- Strengthening communities through regeneration;
- Raising educational attainment and reducing educational inequality;
- Improving early years development of children in Fife; and
- Improving the health of Fifers and narrowing the health inequality gap.

2. Increasing employment

- Extending employment and skills opportunities;
- More dynamic businesses;
- Developing a modern business infrastructure;
- Improving the knowledge and research base; and
- Growing businesses and employment in key sectors (including investment in renewables and tourism).

¹³ Fife's Community Plan 2011-2020 available at <http://www.fifedirect.org.uk/publications/index.cfm?fuseaction=publication.pop&pubid=45778BA5-EA1B-D330-48D91223343EEE18>

3. Tackling climate change

- Adapting to climate change;
- Reducing carbon emissions (including reducing energy use, more sustainable transport and less waste).

Fife's community planning partners have signed up to these shared outcomes. The Community Plan details that the lead partnership groups will work together and with the people and communities of Fife to deliver these objectives.