

THE LOCAL GOVERNMENT IN SCOTLAND ACT 2003

Community Planning:
Statutory Guidance



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PREFACE

This guidance is provided under Section 18 of the Local Government in Scotland Act 2003 (referred to as the Act in this guidance).

The success of the Community Planning process will depend on the commitment to, and participation of, a wide range of public, voluntary, community and private sector bodies. This guidance should act as a national framework to all those participating in the Community Planning process.

The involvement of bodies in the Community Planning process will vary from area to area and it is not the purpose of this guidance to be prescriptive about the level and nature of participation. However, section 15 of the Act places a duty on local authorities to initiate and facilitate Community Planning in their respective areas. There are also a number of bodies whose participation is seen as particularly important to the successful operation of Community Planning. This is recognised in section 16 of the Act by the application of a specific statutory duty to participate in Community Planning on Enterprise, Health, Police, and Fire bodies and the Strathclyde Passenger Transport Authority.

This guidance sets out what is expected of these bodies to fulfil the duties and requirements of the Act in relation to Community Planning. It is supplemented by more detailed Advice Notes on a range of issues important to the effective implementation of Community Planning in Scotland. The Advice Notes are intended to reflect the evolving nature of Community Planning and to be updated on a regular basis as experience is shared and examples of Community Planning in practice are added.

The guidance sets a national framework for Community Planning and is aimed at those within agencies and within voluntary and community bodies who are involved in the planning and provision of services. Community Planning is a local process and the guidance strikes a balance between providing clarity in what is expected from the Community Planning process and the need for local discretion in tailoring the process to the needs and opportunities of local communities. It is also important that people within communities are fully aware of what Community Planning means for them and that they have the means to engage as they wish.

This guidance should be read in conjunction with guidance for Best Value issued under section 2(1)(b) of the Act. Local authorities will also wish to consider guidance issued under section 22 of the Act to accompany the Power to Advance Well Being.

This guidance is issued by the Scottish Executive but it has been prepared in close collaboration with the Community Planning Taskforce and its successor group the Community Planning Implementation Group (<http://www.communityplanning.org.uk/>). It has been prepared following an extensive consultation with a wide range of interests.

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Introduction and Key Messages

Improving public services and making a difference to the lives of people who use them are the most important challenges for the Scottish Executive, local government, voluntary and community groups and other public bodies in Scotland. The Community Planning process in acting as a framework for making public services responsive to, and organised around, the needs of communities, has a key role in ensuring these challenges are met.

Aims of Community Planning

The **two main aims** of Community Planning can be described as:

- **Making sure people and communities are genuinely engaged in the decisions made on public services which affect them; allied to**
- **A commitment from organisations to work together, not apart, in providing better public services.**

These aims reflect both reality – problems that require action rarely come in neat packages – and expectations – people rightly expect quality services which are flexible and responsive to their needs.

Community Planning is not a new concept and is already established in Scotland. It has been instrumental in setting joint visions and strategies in many areas and has already provided the basis for impressive examples of partnership working. However, the challenge is to move to a phase where Community Planning puts these joint visions and plans into practice and helps to achieve a tangible improvement in services across Scotland.

The statutory underpinning for Community Planning will ensure that there is a consistent understanding of what Community Planning is seeking to achieve and greater consistency in how Community Planning is implemented throughout Scotland. While the statutory basis is important in itself it will not be sufficient. There is still a need for on-going change to working cultures, behaviours, skills and attitudes to achieve effective partnership working with a genuine community focus.

An evolving process

Community Planning is an evolving process. The work of the Community Planning Task Force and experiences of Community Planning partnerships themselves have been instrumental in highlighting two further key principles in addition to the two main aims outlined above:

- **Community Planning as the key over-arching partnership framework helping to co-ordinate other initiatives and partnerships and where necessary acting to rationalise and simplify a cluttered landscape.**
- **The ability of Community Planning to improve the connection between national priorities and those at regional, local and neighbourhood levels.**

The recognition of Community Planning as the key over-arching or 'umbrella' partnership reflects the fact that Community Planning should not be an additional or parallel process to the various strategies or partnership structures already in place. Rather it should act as the key over-arching framework for other partnerships and initiatives at the regional, local and neighbourhood level. Existing networks and partnerships should be built upon where they are working well. Where they are not working well, Community Planning provides an opportunity for all agencies, including the Scottish Executive, to rationalise them or to get them working more effectively.

Community Planning partnerships bring together key participants, and so can act as a 'bridge' to link national and local priorities better. This should be a three-way process whereby local Community Planning partnerships can influence national direction, but also can help to co-ordinate the delivery of national priorities in a way that is sensitive to local needs and circumstances. Local or neighbourhood priorities should also be able to influence the priorities at the Community Planning partnership level.



A long-term process

Community Planning is not envisaged as a new mechanism or new initiative to deliver public services in its own right. Nor does it alter basic accountability streams for public bodies. As a process, it is a "means" to the "end" of delivering public services. However, the process should not dominate the outcomes. Community Planning partnerships should be seen to demonstrate some immediate progress but it will not be a 'quick-fix'. The legislative basis for Community Planning provides a solid platform but in many ways it represents the beginning of the real challenge for Community Planning – for the partnerships themselves and the bodies and agencies who comprise these partnerships. The necessary cultural changes will have a longer timescale. This guidance is intended to assist this process. In the first instance it sets out the out the legal requirements flowing from the Local Government in Scotland Act 2003.

GUIDANCE ON THE STATUTORY BASIS FOR COMMUNITY PLANNING

1. The Local Government in Scotland Act 2003

The Local Government in Scotland Act 2003 (the Act) provides a statutory basis for Community Planning in Scotland. Section 18 of the Act makes provision for Scottish Ministers to issue guidance to which *all* participants in Community Planning should have regard. Text of Act at <http://www.hms0.gov.uk/legislation/scotland/acts2003/20030001.htm>

1.1 Context

The Local Government in Scotland Act 2003 is a key aspect of the Scottish Executive's modernisation agenda for local government and the Act provides a framework to enable the delivery of better, more responsive public services. The measures in the Act will make it easier for councils to do their jobs, giving them more responsibility to act within an appropriate framework, to work in partnership with other bodies and the communities they serve, and to embed a culture of quality, equality and improvement.

The main components of this framework are:

- A duty to secure “Best Value” in local government service provision. This replaces compulsory competitive tendering with the pursuit of continuous improvement in all aspects of local authority functions. A similar commitment to pursue Best Value has also been placed on other public bodies in Scotland by means of accountability mechanisms through the Scottish Executive.
- A statutory basis for “Community Planning” to ensure long-term commitment to effective partnership working with communities and between local authorities and other key bodies and organisations.
- A “Power to Advance Well-Being” to enable local authorities to work in a more innovative and creative way in responding to the needs of their communities. This supports the community leadership role of local authorities in the Community Planning process.

Further context and detail can be found in the policy memorandum to the Act (http://www.scottish.parliament.uk/S1/parl_bus/bills/b53s1pm.pdf)

1.2 Integration

As the Act provides a framework for the better delivery of public services no one part of the Act can be taken in isolation. For example, a Council's use of the Power to Advance Well-Being should be influenced by Best Value and the Community Planning process. Similarly, Best Value should feature in an organisation's participation in Community Planning.

For local authorities, this guidance on Community Planning should be read in conjunction with the guidance for Best Value for Local Government and the Guidance for Local Authorities which will support the Power to Advance Well-Being. For other bodies participating in Community Planning this guidance should be read in conjunction with its own Best Value guidance. Best Value will apply to the rest of the public sector since the inclusion, as of April 2002, of a duty of Best Value in the memoranda for Accountable Officers.¹ The wording of this duty will be updated to reflect the formulation of the statutory duty for local authorities. Other Community Planning partners not under a duty of Best Value may wish to consult the Best Value guidance as a useful source of information.

2. Duty to initiate and facilitate the Community Planning Process

The duty under section 15 of the Act requires local authorities to initiate, facilitate and maintain the Community Planning process. This duty has been placed on local authorities because they are unique as democratically accountable bodies with a broad range of responsibilities which impact significantly, and directly, on communities. As well as being a principal provider of services in their areas, they have a range of enabling, regulatory roles and other responsibilities and functions.

2.1 What the duty entails for local authorities

A local authority will be expected to establish a Community Planning partnership for its area, comprising all *relevant* public, private, voluntary and community bodies in its area. Representation on the core partnership should be a matter for partners to decide locally, however the Community Planning process should be open to all bodies and individuals who wish to participate (*see Advice Note 2: Partnership Models and Structures for further information*).

Assisted by those bodies subject to a duty to participate (see paragraph 3.1 below), the local authority will be responsible for facilitating the process by which the Community Planning partnership:

- Develops and sets out a joint vision with agreed objectives for the area, normally in the form of a Community Plan.
- Sets out challenging outcomes of performance for the Community Planning partnership (as a whole) along with the contribution expected from individual participants in the partnership towards delivering these key outcomes. These outcomes should reflect both performance in the *process* of partnership working and outcomes for the partnership related to performance in *service improvements*.
- Identifies and allocates the resources necessary to achieve the agreed outcomes.

¹ Accountable Officers are Heads of Department within the Executive and Chief Executives of other public bodies (for example Scottish Enterprise and SEPA). Accountable Officers duties, set out via the Public Finance and Accountability Act are the personal responsibility of Accountable Officers and include propriety, regularity, value for money and best value.

- Monitors progress with regard to the agreed outcomes, on what is being done by way of Community Planning and sets out and executes regular evaluation of progress.
- Reports on Community Planning partnership progress on the agreed outcomes along with reporting on what has been done by way of Community Planning (see paragraph 11 for further detail).
- In light of monitoring, evaluation and reporting requirements sets out revised actions and outcomes normally as a supplement to the Community Plan.
- Streamlines the arrangements for the planning and delivery of services to ensure a connection between strategies and with other partnerships, the removal of any wasteful overlaps and the improvement of efficiency and effectiveness.
- Observes equal opportunity requirements and encourage equal opportunities (see also paragraph 10).
- Develops processes which maintain a regular and effective means of communication between participants in the partnership.
- Develops processes for the sharing of appropriate information between partners.

In facilitating the process, local authorities acting on behalf of the partnership should engage effectively by consulting and co-operating with other public bodies, community bodies and other bodies or persons as is appropriate. Details of these requirements are set out in paragraphs 5 and 6. Those bodies subject to a duty to participate (see paragraph 3.1 below) should assist the local authority in the discharge of this duty.

3. Duty to Participate in the Community Planning Process

The duty under section 16 of the Act requires NHS Boards, Scottish Enterprise, Highlands and Islands Enterprise, Joint Police Boards and Chief Constables, Joint Fire Boards, the Strathclyde Passenger Transport Authority (SPTA) and the local authority to participate in the Community Planning process. Consultation consistently highlighted that these agencies should be placed under a statutory duty to participate. The inclusion of the SPTA and Fire services ensured a degree of consistency in coverage of these functions across Scotland.

These duties should not imply any lessening of status or importance of other participants in Community Planning partnerships. Although not bound by the terms of the Act, other public bodies should also refer to this section as a useful guide when participating in the Community Planning process. Section 16(3) of the Act gives Scottish Ministers the power to add to the list of agencies under a duty to participate in Community Planning, following consultation and the approval of the Scottish Parliament, if this is deemed necessary.

3.1 What the duty entails for other bodies

For those bodies mentioned in section 16(1) of the Act, the emphasis will be one of ensuring that they engage with the Community Planning partnership processes covering their area on an on-going basis. Specifically, those bodies will be required, by virtue of section 16(2), to assist the local authority in its facilitation role set out in paragraph 2 above.

These bodies should also be prepared to make their own distinctive contribution to realising the objectives and outcomes agreed collectively by the partnership. This may entail taking a leadership role on certain facilitation tasks and/or policy issues on behalf of the partnership (see also paragraph 8).

4. Duty on Scottish Ministers

The duty under section 16(8) requires that Scottish Ministers shall, when discharging any function of theirs, promote and encourage Community Planning. Scottish Ministers includes the Scottish Executive and Executive agencies.

While Community Planning is a process concerned with better local governance, it will rely on a strong commitment at the national level along with a national framework which will establish priorities and targets for Community Planning partnerships and their participants. The duty will also ensure that Scottish Ministers promote and encourage Community Planning to a wider range of bodies undertaking functions on behalf of Scottish Ministers such as Non Departmental Public Bodies (NDPBs), and also in their functions in engaging with departments and agencies that are reserved.

4.1 What the duty entails for Scottish Ministers

Scottish Ministers, through the Scottish Executive and its Executive agencies, will be expected to:

- Promote and encourage the process of Community Planning as the key overarching framework to improve the planning and provision of services.
- Take into account the views of the collective Community Planning partnerships in setting policy priorities, particularly on those issues requiring a joined-up approach between a number of bodies.
- Develop mechanisms within the Executive and its agencies to ensure:
 - that they are joined-up in developing policies and performance frameworks and indicators;
 - that they are joined-up in communicating to agencies and/or Community Planning partnerships the means of delivering these policies, whether this is through strategies and plans, sponsorship of its NDPBs or specific projects, funds and initiatives.

Communities Scotland

Communities Scotland has an important role to play in implementing aspects of regeneration policy as set out in *Closing the Gap* (<http://www.scotland.gov.uk/library5/social/bcis-00.asp>). One particular requirement is the continued engagement of Communities Scotland in the Community Planning process, both at a strategic level and through involvement in individual Community Planning partnerships at a local level within disadvantaged areas.

Enforcement Powers

Scottish Ministers also have enforcement powers under Part 4 of the Act, see paragraph 12.1.

5. Engaging Community Bodies and other Public Bodies

Section 15(1) of the Act, requires local authorities, as facilitators, to consult and co-operate with community bodies and with other public sector bodies as appropriate in the Community Planning process. Section 15(2) also requires the local authority to invite and encourage community bodies and other public sector bodies within the local authority area to participate in Community Planning. Section 16(2) requires that those bodies required to participate in Community Planning assist the local authority in its role as facilitator. This section should be read alongside Best Value Guidance (see *also Advice Note 5: Effective Community Engagement for more information*).

5.1 Engaging Community Bodies – What the Duty Entails

The effective and genuine engagement of communities is at the heart of Community Planning. There are a wide range of ‘communities’, some defined by geography (such as a neighbourhood or town), some by common or shared interests (such as young people or carers). The definition of ‘community body’ in the Act, section 15(4), is therefore deliberately broad in order to avoid excluding any particular communities.

This guidance sets out the framework and parameters for community engagement in the Community Planning process. Consultation alone is not sufficient to ensure effective community engagement. Community engagement in this context must involve consultation, co-operation and participation. It is the responsibility of the local authority, as facilitator of the Community Planning process assisted by organisations with a duty to participate, to take a view on the appropriateness of particular arrangements to their own particular circumstances.

Purpose of Engagement

In the context of Community Planning, the main aim of community engagement should be to improve the planning and delivery of services by making them more responsive to the needs and aspirations of communities. This will require the Community Planning partnership to seek the views of communities, but also to secure their more active involvement as partners in Community Planning.

It is particularly important that communities are engaged in the process at the local level as it is at this level that agencies can come together and work with their communities to address local problems and concerns in a way that cannot be achieved at a council-wide level alone.

It would be unrealistic to expect that the needs and aspirations of all communities be met in full, and Community Planning partnerships should be clear and explicit about this when engaging with communities. Genuine community engagement will, however, benefit decision making within spending bodies by giving an informed view of priorities.

With Whom?

Local authorities, in their initiation and facilitation of the Community Planning process, should consult and co-operate with a wide range of interests including:

- Community and voluntary organisations, whether delivering services or representing a specific area or interest which may be locally based or, where appropriate, a regional or national organisation. This could include a wide range of bodies such as: young people and youth work bodies who already make a valuable contribution to the planning and provision of services through their involvement in youth forums and their active citizenship; environmental bodies, rural bodies, consumer bodies; sports and cultural bodies;
- Community Councils fulfilling their role as representatives of their local area.
- Equalities groups and interests (see paragraph 10 on mainstreaming equalities).
- Business, through representative organisations or businesses themselves.
- Trade unions as representative and democratic agencies.
- Professional interests.

Community bodies involved in the Community Planning process should operate in an open, democratic and accountable manner, and be clear about what interests they can or cannot represent. However, as facilitator the local authority should also engage with those individuals who would not normally participate ('hard to reach'). The process should also be open to individuals who may not always form part of an organised or structured group.

Means of engagement

The ways in which Community Planning partnerships engage with communities should reflect the circumstances of their particular communities. For example, the structure and working practices of organisations and groups in rural areas will be distinct from urban areas and will require tailored approaches. However, there are some common requirements:

- Community Planning partnerships should ensure that there are agreed criteria in place for the engagement of community bodies and that there is a process in place for systematic review of its approach to community engagement.
- Representation of community interests on the Community Planning partnership is one means of engagement and this should be considered by partnerships as a potential option for engagement.
- Community Planning partnerships should fully consider how more localised or neighbourhood Community Planning structures may feed into the Community Planning process in its area. The engagement of communities is likely to be most effective and meaningful at this level.
- Consultation is important but so is feedback. Community bodies should feel that they have been listened to and that the partnership has taken account of their views. Community bodies should also be provided with information about the actions taken after consultation through transparency in the decision making process and in reporting (see paragraph 11).
- Consultation alone cannot provide a basis for effective community engagement. However, good practice in consultation can be used to help provide the basis for other forms of community engagement.
- The voluntary sector plays a key role in involving communities and excluded groups, particularly at the local level. Local authorities and other Community Planning partners should ensure their skills are fully utilised (see *Advice Note 5: Effective Community Engagement for further detail*).

Adding Value

The engagement of community bodies in the Community Planning process should build on and enhance existing arrangements and partners should share existing good practice. There will inevitably be a degree of judgement on whether existing approaches are effective but, in line with the over-arching framework of Community Planning, there should be a presumption towards:

- Using and/or building upon proven or successful representative, consultative or co-operative mechanisms already established e.g. councils of voluntary services, community forums, interest forums or community councils.
- Complementing consultation and co-operative mechanisms already undertaken by individual organisations who are part of the Community Planning partnership.
- Collective approaches by agencies comprising the partnership to engaging communities to help avoid consultation fatigue and overload.

To ensure Best Value in the use of resources methods used should be cost effective and be proportional to the issues being addressed and intended follow-up.

Supporting the Process

Building social capital – the motivation, networks, knowledge, confidence and skills – within communities should be an integral part of achieving more effective community engagement. Local authorities, in conjunction with their other Community Planning partners, should provide support to community and voluntary bodies to facilitate community engagement in the Community Planning process to those communities most in need. Support given should respect the independence of these bodies.

Community learning and development can play a central role in supporting the engagement of communities (including young people) in the Community Planning process. Draft guidance, *Working and Learning Together to Build Stronger Communities* was issued in January 2003 (<http://www.scotland.gov.uk/library5/social/walt-00.asp>) and final guidance when launched will strengthen the link between community learning and development and Community Planning at all levels. Support will also be provided by Community learning and development partnerships to assist community bodies to develop their own ideas for their community including education and training support – this support will be targeted towards disadvantaged communities. Community learning and development partnerships provide one important means of engagement for Community Planning partnerships.

Local authorities, in fulfilling their duty to facilitate, and other bodies in a supporting role to local authorities, should also ensure they have the necessary skills and motivation to engage with community bodies.

6. Engaging Other Public bodies – What the Duty Entails

Section 15(2) requires the local authority to invite and encourage appropriate other public bodies in the Community Planning process. Similar to the engagement of community bodies, ‘public bodies’ are again broadly defined in the Act. In the context of this section it excludes those bodies who are already under a statutory duty to participate in the process (see paragraph 3). Such bodies may include, for example, tourist agencies, further and higher educational establishments, bodies with a specific environment remit such as Scottish Natural Heritage or bodies with a UK remit and local presence such as JobcentrePlus.

The number and type of public bodies who exercise functions within a local authority area will vary throughout Scotland so there cannot be a single template for their engagement. For example, an agency with a predominantly rural remit, such as the Forestry Commission, or the Crofters Commission, will be particularly relevant in rural areas. There will be also be different means of engagement depending on the structure of the Community Planning partnership. Representation at the strategic Community Planning partnership may not always be appropriate. Bodies who have a remit that covers a specific community or neighbourhood within a local authority area,

for example, registered social housing landlords may find engagement in local or neighbourhood partnership processes more relevant.

The local authority, in its facilitation role, should ensure that they identify all such public bodies operating in the local authority area. Other bodies with a duty to participate in the process should assist them in this task. They should ensure that these bodies are aware of the Community Planning process in the area and invited to discuss the appropriate level and means of their involvement (*see also Advice Note 2: Partnership Models and Structures for further information*).

7. Mainstreaming Community Planning within the Organisation

The essence of Community Planning is about collective / collaborative working and it should be integral to the various planning and service delivery functions of the local authority and other Community Planning partners.

The Best Value Guidance for local government highlights joint working as a process which should inform and influence every aspect of its Best Value work – from planning to delivery and review. A local authority which fully embraces the concept of Community Planning will demonstrate joint working in its political management structure; corporate planning and service planning; consultation with stakeholders; communications with staff and others; codes of governance; allocation of resources; training and development and its review machinery and so on.

Work is now underway to prepare Best Value guidance applicable across the public sector. Guidance will mirror experience to date in audits of local authorities, which places a strong emphasis on the engagement of partners and stakeholders although the approach will need to recognise the diversity of different models of delivery in the wider public sector.

Mainstreaming of Community Planning principles within each partner organisation requires on-going training and development for staff, board and elected members. Research² and consultation has demonstrated the need for investment in elements of the Community Planning process to better support the capacity and skillbase of organisations to engage effectively in the Community Planning process (*see also Advice Note 6: Building Organisational Capacity*).

Effective mainstreaming of Community Planning principles within an organisation will also require effective leadership from local authorities in their role as facilitators of the process and from leaders within other participating organisations. Leadership will be necessary to ensure that the culture of partnership working and community engagement is cascaded to intermediate and front-line staff as well as Executive/Board level.

² Scottish Executive, Capacity Building for Community Planning, November 2002

8. Leading on Community Planning Themes

The community leadership of local authorities is recognised in the duty of local authorities to facilitate the Community Planning process. However, the development and delivery of specific strategies and themes within the Community Planning partnership should be a shared task. The leadership role should be carried out by the organisation best placed to discharge this role. Participating partners should be encouraged to lead on appropriate themes. For example, in tackling crime – and the fear of crime – which is a key strategic theme for many areas, the Chief Constable may lead the local Community Safety Partnership with the support of, for example, local authority colleagues in housing and social work, and the voluntary sector. Community Planning partnerships themselves are best placed to agree on leadership in taking forward strands of Community Planning under the umbrella of the partnership.

9. Community Planning Partnerships – Fit for Purpose

To improve the planning and provision of services, Community Planning will need to operate at various levels dependent on the issues being addressed. The key determinant will be the most effective way of addressing the well-being of the particular community or communities – see *diagram overleaf*. The Community Planning process will link the national, regional local and neighbourhood levels ensuring a balance between:

- The Community Planning at the local authority level. The main Community Planning partnership will operate at this level and oversee a range of themed partnerships.
- The Community Planning process operating below that of the local authority at a neighbourhood or more localised level (see section on Local Community Planning in *Advice Note 2: Partnership Models and Structures* for further detail).
- The Community Planning process operating through collaboration between Community Planning partnerships where the issue warrants a more strategic consideration. The Act (section 15(3)) provides for partnerships to work together. The associated power of well-being for Councils (section 20) in the Act also allows local authorities to invest outside their areas as long as it is to the benefit of their communities. It will be important for each community plan to identify where issues have a clear resonance beyond the local authority boundary, for example, land use, transport or economic development. Strategic linkages at the regional level, by working with other Community Planning partnerships and/or agencies of that partnership, should be developed where appropriate. Engagement should continue to be within the overarching framework of Community Planning and full use should be made of existing partnership mechanisms already operating at the strategic level, for example Local Economic Forums.
- National priorities which may be implemented by Community Planning partnerships and the ability of Community Planning partnerships to influence national priorities.

Community Planning Partnerships



Key Features

- Community need is central focus.
- Main Community Planning partnership at LA level. Community plan or similar to set out responsibilities and key outcomes.
- Linked with themed partnerships e.g. Health Improvement.
- Supported by local or neighbourhood partnership structures where required.
- Supported by regional strategic partnerships and national partnership approaches where required.
- Issues of a European or International context also a consideration – *not shown in diagram.*

10. Mainstreaming Equal Opportunities into Community Planning Process

Section 59(1) of the Act, requires that Scottish Ministers, local authorities and all other bodies participating in Community Planning should do so in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunity requirements. This provision also relates to the duty of Best Value and to the power for local authorities to advance well-being. Further, section 17(1) of the Act requires that local authorities in their duty to initiate and facilitate Community Planning should, on behalf of Community Planning partnerships, report on actions that have been taken to comply with these duties (see paragraph 11 for further detail).

The legal definition of equal opportunities is set out in Schedule 5, Section L2 of the Scotland Act 1998 as:

“the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions”

In respect of Community Planning, equalities objectives must be mainstreamed by the local authority in its facilitation role under section 15 of the Act; by those bodies under a duty to participate in Community Planning by virtue of section 16 of the Act and by Scottish Ministers in relation to their duties under section 16(8) of the Act. All other bodies and agencies participating in Community Planning are strongly advised to pay regard to this guidance and to mainstream equalities objectives into their involvement with Community Planning.

More detailed guidance on how to mainstream equalities has been prepared by the Scottish Equalities Co-ordinating Group (*hyperlink to Guidance on Equalities, Best Value, Community Planning and the Power to Advance Well-Being*).
([http:// www.cosla.gov.uk/attachments/publications/bvequalitiesguidance.pdf](http://www.cosla.gov.uk/attachments/publications/bvequalitiesguidance.pdf))

11. Reporting on Community Planning

Section 17 of the Act relates to reporting arrangements. Local authorities, as facilitators of the Community Planning process, are required to produce a report on Community Planning in their area. Section 17(1)(2) of the Act sets out a number of key points the reports must contain. Apart from these points the Act allows a local authority to decide the content and form of such reports and how often they should be published. Section 17(5) provides for regulations to be issued which would set out more specific reporting requirements if experience shows that this is necessary.

Reports must contain information on:

- What has been done by way of Community Planning and what were the results.

And in particular:

- How a local authority has implemented its duties under section 15 of the Act. This should include reporting on the means of consulting community bodies and other public bodies and a summary of the outcomes of consultation.
- The outcomes in service improvement of those bodies participating in the Community Planning process in the area and evidence and analysis to support this.
- What progress has been made in relation to meeting equal opportunity requirements and promoting equal opportunities within the Community Planning process (see paragraph 10).

Audit Scotland will be working with Community Planning partners to develop a menu of key indicators from which partnerships can select, to support effective performance management and benchmarking. It is not the intention to create a new set of statutory indicators of performance for Community Planning. However, section 17(9)(c) of the Act, amends section 1 of the Local Government in Scotland Act 1992 to give powers to the Accounts Commission, if necessary, to require cross-cutting indicators which will demonstrate the action required towards meeting some outcomes from local authorities as facilitators of the process. Work will also be continued on the performance management framework initiated by the Community Planning Task Force (see also *Advice Note 9: Performance Monitoring and Management*).

Those bodies subject to a duty to participate in the Community Planning process under section 16 must provide information to the local authority to assist in the production of these reports as reasonably required by virtue of section 17(3).

Reports should be geared towards the local community rather than the Scottish Executive. Local authorities may consider integrating these reports within the public performance reporting framework as an appropriate option. The Executive is developing guidance on the public performance framework, subject to consultation until 21 November 2003 (<http://www.scottishexecutive.gov.uk/consultations/localgov/pubrepsla.pdf>).

12. Ensuring it Works Effectively

The overall intention of the Act is to offer trust within a framework, and to ensure that partnerships are given every opportunity to ensure that the implementation of the Community Planning process works well. However, there may be instances where performance, for one reason or other, is not satisfactory.

For example, there may be instances where relationships within a Community Planning partnership deteriorate to the point that, for example:

- The duties to facilitate or participate in Community Planning are seriously compromised.
- The operation of the Community Planning process is being compromised over a period of time, as distinct from a disagreement over a particular issue.

Such cases need a measured and staged process. The Accounts Commission for Scotland will audit councils' achievements in relation to their statutory duties under the Local Government Act, including Community Planning (see below).

The basis for the Accounts Commission's processes for auditing local authorities is as follows:

- A Best Value audit (including Community Planning) will be undertaken on a cyclical basis by Audit Scotland, on behalf of the Accounts Commission.
- The Accounts Commission can hold local authorities to account if issues arise outwith the audit cycle.
- There is a process for ministerial enforcement (see paragraph 12.1 below).

Successful Community Planning will require the efforts of other public sector organisations. It is the Auditor General for Scotland (AGS) who has audit responsibility for these bodies. Audit Scotland will work with the Auditor General for Scotland through a protocol to ensure that auditors working to both AGS and the Accounts Commission jointly seek to resolve issues. In the event that an audit of a council were to find that Community Planning was not working well in a particular area, and that the performance of non-council public sector bodies was implicated, these conclusions would be included in the audit report to the Commission. In turn, the Commission could then recommend to the Auditor General that he take appropriate action to investigate.

The first Best Value audits for councils will be undertaken from January 2004. Community Planning will feature in each case. An audit guide will be issued for local authorities in due course. Further information about the Accounts Commission and Audit Scotland can be found at: <http://www.audit-scot.gov.uk>.

12.1 Ministerial Enforcement

Powers of intervention are available to Ministers after a report from the Controller of Audit if a local authority continues to fail to comply with its duties (see part 4 of the Act). We would expect local authorities to address any difficulties identified by the Controller of Audit so the Scottish Ministers would deem this stage in the process most unlikely.

13. Establishment of Corporate Body to Co-ordinate Community Planning

Section 19 of the Act sets out the conditions whereby a Community Planning partnership can trigger a Ministerial order-making power to establish the partnership as a legally distinct corporate body. The aim of this provision is to allow corporate bodies to be formed to co-ordinate or further Community Planning in its area, not as a corporate body that substantially delivers services in itself.

As Community Planning partnerships develop over time, they may wish to innovate and develop their co-operative working relationships and arrangements and the purpose of Section 19 is to allow the Community Planning partnerships to have the option of establishing themselves as a distinct legal entity, independent from any one partner. The provision in the Act is permissive and enabling – the decision to form a corporate body of the Community Planning partnership rests at the local level. Incorporation can only be triggered by an application of members of the partnership itself, which must include the local authority and one or more bodies participating in Community Planning in the area. The application must specify the functions to be undertaken by the corporate body, details of the consultation undertaken and the outcome of the consultation.

Broad agreement from the wider participants in the Community Planning partnership would be required before a Minister would proceed with an order. This stops short of requiring unanimity among every participant in a Community Planning partnership, but it is likely that all of the key agencies involved would need to be in agreement. The order will be subject to scrutiny and approval by the Scottish Parliament.

GLOSSARY

Accounts Commission

Continues through the Audit Process to give assurance on probity, stewardship and financial management in Scottish Local Government.

Audit Scotland

Provides services to the Accounts Commission and the Auditor General for Scotland. Together they help to ensure that the Scottish Executive and public sector bodies in Scotland are held to account for the proper, efficient and effective use of almost £20 billion of public funds.

Best Value

Aim of Best Value is to modernise local government management and business practice so that local authorities can deliver better, more responsive public services. It seeks to pursue continuous improvement in performance, while paying due regard to economy, efficiency, effectiveness and equal opportunities requirements.

Capacity Building

Capacity Building refers to development of knowledge and skills in individuals, organisations and communities to enable them to participate more fully in social, political and work contexts. It enables individuals and communities to become more powerful in a sustainable way, and more able to influence decisions which affect them as individuals and as communities.

Cities Review

A review of the economic, social and environmental prospects of Scotland's 6 cities (Aberdeen, Dundee, Edinburgh, Glasgow, Inverness and Stirling) to identify Executive policies that will improve those prospects. The Cities Review Analysis and "Building Better Cities" outlined the key issues for Scotland's cities and how the Executive proposes to address these areas.

Communities Scotland

This is an Executive Agency of the Scottish Executive. It was set up in November 2001 to take forward Ministers' priorities in relation to community regeneration.

Community or communities

This can be either a 'geographic community' – a group of people living within a single area – or a 'community of interest' – a group of people who share a common characteristic or identity, such as minority ethnic communities or a 'lifecycle' group such as older people.

Community Budgeting

This is a process where information is collected and made available about the spending of important organisations in particular local areas. The information can then be used to involve communities in the main decisions about services in their areas.

Community Learning and Development

This is an approach to education, based on working with communities to tackle the real issues in people's lives. All professionals working in community regeneration should use this approach.

Community Planning Implementation Group

The Community Planning Implementation Group was established for 12 months from April 2003 to drive forward the Community Planning agenda and to take forward the work of the Task Force. Its remit is to promote and raise the profile community planning and related good practice, provide guidance and give an independent focus to the process.

Community Planning Task Force

The Community Planning Task Force was established in March 2001 to further develop Community Planning in Scotland and provide guidance and advice to local authorities, their partners and Ministers. A key role for the Task Force has been to assist Ministers and Parliament in developing new legislation and accompanying guidelines for Community Planning as part of the Local Government in Scotland Act 2003.

Community Regeneration

This is the process of tackling poverty, deprivation and social exclusion within a particular geographic area, or within a particular group of people.

COSLA

The Convention of Scottish Local Authorities – COSLA is the representative voice of Scotland's unitary local authorities.

Local Economic Forums

22 Forums in Scotland based on Local Enterprise Company boundaries with membership comprising key public and private sector players. Forums are about resolving overlap and duplication in, and improving, local economic development activity by better co-ordination of effort and engaging customers in service design. Local Forum action plans are in place to reduce overlap and streamline access to business support services and encourage agencies and business to work together for services which are focused, co-ordinated and geared towards helping businesses develop.

Mainstreaming

Mainstreaming means including the issues (ie racial equality and cultural competence) as an integral part in all aspects of research, planning, policy (development, monitoring, review and implementation), practices as an employer and procurer and deliverer of services. Mainstreaming requires consideration both of group needs and of individual needs since groups are not homogenous (eg Pakistani women and Chinese young people will have different needs not addressed by considering them both as "black/minority ethnic people").

Neighbourhood

This is a local area. It is difficult to be exact about what a neighbourhood is, but it is generally an area with a few thousand people. A neighbourhood may cut across administrative boundaries.

Social Capital

This is where a local community has the skills, resources, networks, opportunities and motivation to work together effectively to promote its own well being.

Social Inclusion Partnerships

These are local multi-agency regeneration partnerships that target particular geographic areas (area-based SIPs) or client groups (thematic SIPs), which receive funding directly from the Scottish Executive.

Social Justice

This is the equal and fair distribution of social values such as freedom, income and wealth and the opportunity to take part in society.

Sustainable Development

Development which secures a balance of social, economic and environmental well-being in the impact of activities and decisions and which seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs.

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