

## Summary of Community Empowerment (Scotland) Bill

The [Community Empowerment \(Scotland\) Bill](#) has been passed by MSPs in the Scottish Parliament.

The Explanatory Notes state that the Bill “reflects the policy principles of subsidiarity, community empowerment and improving outcomes and provides a framework which will:

- empower community bodies through the ownership of land and buildings and strengthening their voices in the decisions that matter to them; and
- support an increase in the pace and scale of public service reform by cementing the focus on achieving outcomes and improving the process of community planning”.

The Bill is divided into eight parts, of which Parts 1, 2 and 3 are most relevant to us.

Part 1 aims to provide a statutory basis for the use of ‘National Outcomes’. This places a duty on ministers to develop, consult on and publish a set of National Outcomes for Scotland, which must be reviewed at least once every five years. The Bill also provides that ministers must publish regular reports on progress on the National Outcomes.

Part 2 of the Bill replaces community planning provisions in the Local Government in Scotland Act 2003 and provides a statutory basis for Community Planning Partnerships (CPPs). The Bill states that the purpose of community planning is “improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons listed in schedule 1”.

- Schedule 1 lists all the bodies considered to be community planning partners, including the Chief Constable of Police Scotland, NHS boards and any integration joint board established by the Public Bodies (Joint Working) (Scotland) Act 2014.
- The Bill requires CPPs to prepare, consult on and publish a local outcomes improvement plan setting out local outcomes to which priority is to be given; a description of the proposed improvement in the achievement of the outcomes; and the period within which the proposed improvement is to be achieved. Progress must be reported on an annual basis. CPPs must also secure the participation of community bodies in community planning.
- The Bill states that CPPs “must act with a view to reducing inequalities of outcome which result from socio-economic disadvantage”.
- A number of stakeholders giving evidence on the Bill highlighted the ongoing process of health and social care integration, stressing the improved level of community participation that this could engender and the need for the parallel processes to reflect one another's priorities and actions.

Part 3 provides for a process to allow community bodies to become involved in delivery of public services, setting out that when a community participation body

believes it can improve the outcome of a public service, it can make a participation request and set out the outcomes it expects to achieve.

- It is for the public service authority to make a decision on whether to agree to the request, although it must agree to the request unless there are reasonable grounds not to do so.
- A participation request could also be used by community bodies to “discuss with service providers how they could better meet the needs of users” instead of actually taking over, or being involved in delivery of the service.
- Local authorities must consider whether the participation request is likely to promote or improve economic development, regeneration, public health, social wellbeing or environmental wellbeing.
- Amendments to the Bill have strengthened the appeals process for participation requests.

Part 5 provides for a process to allow community bodies to request to take on assets from the public sector.

- During oral evidence to the Local Government and Regeneration Committee on the Bill at Stage 2, Local Government Minister Marco Biagi responded to questions on how this might potentially relate to community groups requesting to deliver care services in public buildings or facilities. Mr Biagi assured that community requests in this regard would be satisfied through the participation request process.

During Stage 3 proceedings, an amendment [was passed](#) that amends section 115 of the Public Services Reform (Scotland) Act 2010 (joint inspections), defining the joint inspection of children's services with reference to the Children and Young People (Scotland) Act 2014, rather than the Local Government in Scotland Act 2003.

Relevant documents:

- [Bill \(As Passed\)](#)
- [Explanatory Notes](#)
- [Policy Memorandum](#)
- [Delegated Powers Memorandum](#)