

**STRATEGIC GUIDANCE FOR COMMUNITY PLANNING PARTNERSHIPS:
COMMUNITY LEARNING AND DEVELOPMENT**

1. SUMMARY

- 1.1 This report details proposals on how Argyll and Bute CPP might implement the Scottish Government's Strategic Guidance for Community Planning Partnerships: Community Learning and Development (CLD).

2. RECOMMENDATIONS

- 2.1. Partners are invited to note the contents of this report.
- 2.2. Partners are invited to consider the proposals for implementation of the Community Learning and Development (CLD) Strategic Guidance

3. BACKGROUND

- 3.1. The Scottish Government published new CLD Strategic Guidance for Community Planning Partnerships in June 2012. This replaces 'Working and Learning Together' (WALT) which was published by the then Scottish Executive in 2004.
- 3.2. The new CLD Strategic Guidance places a number of requirements on Community Planning Partnerships. (The full guidance is attached at Appendix A, 7.1)
- 3.3. The Government's National Performance Framework sets out the strategic objectives for all public services, including those delivering CLD, whose specific focus should be:
- Improved life chances for people of all ages, through learning, personal development and active citizenship;
 - Stronger, more resilient, supportive, influential and inclusive communities.

The CLD Strategic Guidance sets out a number of responsibilities that are linked to the National Performance Framework objectives above. Those intended for CPPs are as follows:

- **'Ensure that systematic assessments of community needs and strengths provide the basis for SOAs and service strategies and plans;**

- **‘Ensure this assessment is based on engagement and continued dialogue with communities, utilising CLD expertise, as well as on analysis of other data;**
 - **‘Ensure SOAs have a clear focus on prevention and community empowerment as the foundation of reformed public services and utilise CLD provision and methods for these purposes; and**
 - **‘Review current partnership arrangements for planning, monitoring and evaluating CLD and ensure that they are fit for the purposes set out in the Guidance.’**
- 3.4. Education Scotland have been tasked with reporting back to the Scottish Government on the implementation of the Guidance by CPPs. It is expected that support will be given by Education Scotland in due course to help CPPs with implementation.
- 3.5. In particular, the Strategic Guidance emphasises that “the foundation of CLD delivery is an assessment – in partnership with learners and communities – of needs, strengths and opportunities” and that implementation of the Guidance should ensure that “local authorities will be supported to audit the need for CLD...”.

In order to achieve this level of support, the Scottish Government made a commitment in the Strategic Guidance to “explore legislative powers for CLD and communicate progress with partners”. This commitment is now being addressed in the form of a Scottish Statutory Instrument (SSI): ‘The Requirements for Community Learning and Development (Scotland) Regulations 2013’. The SSI has been drafted and will have gone through a consultation process by 26th April 2013, being due to be in force by September 2013.

The Government’s consultation indicates that perceptions of the legislative basis of CLD are that it is weak compared to that of other elements of public services. The SSI therefore aims to strengthen the basis of CLD so that it is robust enough to support the decision-making required for the expectation set out in the CLD Strategic Guidance that ‘CLD is delivered as a consistent central element of public services in Scotland ... and will be based on a continuing dialogue with key stakeholders’.

It should be noted that the draft legislation is aimed at Education Authorities, and that guidance from Education Scotland has been promised that should assist its implementation.

Also important to note are the two main requirements in the draft SSI that:

- each education authority is required to initiate, maintain and facilitate a process by which community learning and development needs are assessed for identified target groupings, and the barriers to adequate and efficient provision to address those needs are also identified; and that the process includes consultation with representatives of the target groupings and of CLD providers; and

- each education authority is required to publish a 3 year plan, no later than 1st September in 2015, and each third year after that, which details how provision will be coordinated, the actions that will be taken to address need, and detail of any needs that cannot be addressed within the time-scale of the plan.

(A copy of the consultation document on the draft Regulations is given in Appendix B, 7.2)

4. DETAIL

- 4.1. The Strategic Guidance views Community Learning and Development (CLD) as ‘...empowering people, individually and collectively, to make positive changes in their lives and in their communities, through learning.’ CLD provision covers a very broad range of activities, and is delivered by a wide range of partners.
- 4.2. It is felt that Argyll and Bute is in a good position to take implementation of the Guidance forward by making best use of existing CPP engagement and planning structures and partner involvement, in conjunction with existing CLD expertise. This last applies particularly to community engagement techniques, and to joint assessment, with partners, of learning needs and strengths.
- 4.3. Partners identified in the Guidance who might be involved, to maximise delivery of identified outcomes include: Third Sector including Social Enterprise; colleges and universities; NHS; Skills Development Scotland; local communities; and communities of interest.
- 4.4. In Argyll and Bute it is proposed that assessments of community learning needs and strengths, together with other relevant hard data, should then be fed in to evaluative ‘Learning Reviews’ held with learning provision partners in secondary school catchment areas (‘learning communities’). A number of these evaluative reviews, hosted jointly by CLD staff and secondary head teachers, have already been successfully carried out.
- 4.5. Thereafter, the information from the Learning Reviews (eg. the challenges, issues, key projects, gaps, key delivery partners, and action plans for each area) should be assessed in line with community planning structures (agreed by the CPP Management Committee on 17 October 2012), via Area Community Planning Groups. The role agreed for Area Community Planning Groups fits this purpose:

‘Engaging with communities to understand their needs and requirements and also to inform and consult on issues relating to the CPP at an area level.

 - Effective working across community planning partners at an area level.
 - Continuous improvement in the effectiveness of the CPP at an area level.
 - Performance management to ensure delivery of the community plan at an area level.’

Area strengths and needs, focussing on key outcomes as agreed, should then be assessed at the annual Area Forum events to be held in November each year, and should feed upwards into the CPP Management Committee, possibly with the involvement of the Third Sector and Communities CPP Group in terms of a focus on the methods of engagement, but with the overall needs being seen as a wider responsibility across the CPP.

Community Learning and Development staff within the Council would take responsibility for establishing planning groups of partners at area level to ensure maximum participation in the Learning Reviews, and to ensure that existing community strengths, needs and developments are incorporated into the planning of the consultation events in November.

CLD staff would also take responsibility for ensuring the collation of hard data (this is a requirement of HMIE Learning Community Inspections), and for ensuring a focus on the themes of the CLD Strategic Guidance and community empowerment, at local levels in the Learning Reviews; and for developing and implementing reporting mechanisms up to Area Community Planning Group level. It is envisaged that the reports would be structured around the links between area data, the Strategic Guidance and the SOA – an example of these links is given in Appendix C, 7.3.

- 4.6. As part of their work in building a picture of the views and concerns of communities, Community Planning Partnerships should be developing an awareness of the diverse needs of the children and young people in their area. This responsibility is shared by all members of the partnership and all services, not just those traditionally recognised as having a role in working with children and young people. There is an opportunity to involve young people at a variety of stages in these processes:-
- Continued support and development of Youth Forums in each of the Learning Communities to identify and address issues of importance to young people in their local communities.
 - Establish clear links between Area Community Planning Groups and Area Youth Forums to ensure young people's views are assessed and represented on an on-going basis and especially for the Area Community Planning Groups' annual consultation events.
 - Facilitate the involvement of Argyll young people in the Scottish Youth Parliament.
 - An annual Youth Conference is established to mirror and compliment the CPP full partnership meeting.
 - Further consideration is given to further utilising the Youth Service staff based in schools to develop youth democracy and youth consultation activities.

5. CONCLUSION

- 5.1. If these proposals are adopted and successfully carried through, area community learning strengths and needs can be identified, assessed,

monitored and reviewed in dialogue with partners, and by engaging with communities on an annual basis.

In this way, three of the four responsibilities in the CLD Strategic Guidance that are intended for CPPs could be effectively addressed:

- *'Ensure that systematic assessments of community needs and strengths provide the basis for SOAs and service strategies and plans;*
- *'Ensure this assessment is based on engagement and continued dialogue with communities, utilising CLD expertise, as well as on analysis of other data; and*
- *'Review current partnership arrangements for planning, monitoring and evaluating CLD and ensure that they are fit for the purposes set out in the Guidance.'*)

The remaining responsibility will rest with the CPP at a strategic level (to 'ensure SOAs have a clear focus on prevention and community empowerment as the foundation of reformed public services and utilise CLD provision and methods for these purposes').

In addition, the implementation of the statutory duty to deliver a 3-year plan under the draft Scottish Statutory Instrument (SSI): 'The Requirements for Community Learning and Development (Scotland) Regulations 2013', would also be substantially supported.

6. IMPLICATIONS

- 6.1. Policy: Links with National Outcomes, SOA and CLD Strategic Guidance
- 6.2. Financial: None
- 6.3. Legal: Links to draft Scottish Statutory Instrument (SSI): 'The Requirements for Community Learning and Development (Scotland) Regulations 2013
- 6.4. HR: None
- 6.5. Equalities: Focus on equalities and inclusion
- 6.6. Risk: None
- 6.7. Customer Service: The process should enhance the already wide range of consultation and engagement information available.

7. APPENDICES

- 7.1. Appendix A: CLD Strategic Guidance for CPPs
- 7.2. Appendix B: 'The Requirements for Community Learning and Development (Scotland) Regulations 2013
- 7.3. Appendix C: Strategic-local links for Tarbert learning community

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Strategic Guidance for Community Planning Partnerships:

Community Learning and Development

COMMUNITY LEARNING AND DEVELOPMENT: STRATEGIC GUIDANCE FOR COMMUNITY PLANNING PARTNERSHIPS

EXECUTIVE SUMMARY

This guidance comes against the backdrop of the most ambitious set of reforms to post-16 learning ever undertaken in Scotland. The Government is pursuing those changes with three clear objectives in mind: to align the system more purposefully with our ambitions for jobs and growth; to improve people's life chances; and to ensure the sustainability of our system in a time of inescapable pressures on public spending.

Community learning and development (CLD) is an integral part of this story. It already plays a central part in ensuring individuals, families and communities across Scotland reach their potential through lifelong learning, mutual self-help and community organisation - and that the available support and opportunities are community-led, built around people's aspirations.

This strategic guidance clarifies our expectations of Community Planning Partnerships (CPPs), within the broad framework of public service reform, and in line with the Review of Community Planning and Single Outcome Agreements (SOAs). We expect local authorities to provide clear leadership and direction, and to drive the action needed to ensure we maximise the contribution of CLD partners in the reform of public services.

It is important to be clear about the purpose of CLD. We see it as empowering people, individually and collectively, **to make positive changes in their lives and in their communities, through learning**. This guidance outlines the action necessary to maximise CLD's impact, resulting in better alignment of services and optimal use of resources.

The Government's National Performance Framework sets out the strategic objectives for all public services, including those delivering CLD. CLD's specific focus should be:

- 1. improved life chances for people of all ages, through learning, personal development and active citizenship;**
- 2. stronger, more resilient, supportive, influential and inclusive communities.**

The implementation of this guidance must be led by CPPs, with support from Government bodies such as Education Scotland and with national and local Third Sector partners. It should form an integral part of public service reform, ensuring that Community Planning provides the vehicle to deliver better outcomes in partnership with communities.

Using an evidence based approach; reducing outcome gaps between areas; jointly prioritising outcomes; and strengthening community engagement and participation are the principles which will shape work on community planning and SOAs. This will, in turn, improve partnership working, including CLD partners, in delivering SOAs.

Evidence from a range of sources, and in particular from the inspection of learning communities, demonstrates the powerful impact of CLD on the lives of learners and communities. To secure yet further improvement, we need now to strengthen the coordination between the full range of providers, and communities themselves.

Our communities face major challenges from the wider economic outlook, falling public expenditure and our changing demographics. But Scotland cannot afford the potential consequences of high levels of youth unemployment, the decline of vulnerable communities and the challenges faced by an increasingly elderly population. This is why it is essential we build resilient communities and release the talents of people (particularly those of our young people) across Scotland. That is what this guidance aims to do.

1. CONTEXT

1.1 In this guidance, the Scottish Government is renewing its commitment to Community Learning and Development (CLD). This matters because building a learning culture is central to the well-being, resilience and dynamism of our communities - and, ultimately, in achieving our purpose

To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

1.2 The Government's response to the *Commission on the Future of Public Service Delivery* sets out a vision of how Scotland's public services need to change:

*'We will empower local communities and local service providers to work together to develop practical solutions that make best use of all the resources available. The focus of public spending and action **must build on the assets and potential of the individual, the family and the community** rather than being dictated by organisational structures and boundaries. Public services must work harder **to involve people** everywhere in the redesign and reshaping of their activities.'*¹

1.3 In our 2011 proposals for reforming post-16 learning, *Putting Learners at the Centre*, we made clear our wish to work with partners in strengthening the strategic approach to CLD in Scotland. The result is this refreshed guidance for local Community Planning Partnerships (CPPs), community planning partners more generally, and other national stakeholders.

1.4 CLD is an essential means of delivering Scottish Government priorities, in particular Curriculum for Excellence, GIRFEC and the Government's social policy frameworks for combating poverty, tackling health inequalities and prioritising early years. Annex A illustrates the current Government priorities of particular relevance.

1.5 We have developed this guidance through talking to a wide range of interested and expert stakeholders. It builds on recent progress and forms the starting point for a process of implementation, learning and improvement, that - crucially - focuses on outcomes for learners and communities.

¹ [Renewing Scotland's Public Services](#), Scottish Government, 2011

2. THE PURPOSE OF CLD, AND THE OUTCOMES WE EXPECT

2.1 CLD should empower people, individually and collectively, **to make positive changes in their lives and their communities, through learning**. The principles that underpin practice are:

- *empowerment* - increasing the ability of individuals and groups to influence matters affecting them and their communities;
- *participation* - supporting people to take part in decision-making;
- *inclusion, equality of opportunity and anti-discrimination* - recognising some people need additional support to overcome the barriers they face;
- *self-determination* - supporting the right of people to make their own choices; and
- *partnership* - ensuring resources, varied skills and capabilities are used effectively.

The purpose and principles are embodied in the competences and ethics for CLD practice as set out by the CLD Standards Council for Scotland. ²

2.2 Our current guidance (*Working and Learning Together*, 2004) outlined CLD priorities as (i) achievement through learning for adults; (ii) achievement through learning for young people; and (iii) achievement through community capacity building. These priorities provided a clear focus for CLD, but we were told in our recent discussion phase, they sometimes led to artificial boundaries for practice between age groups and between work with individuals and groups.

2.3 The Government's National Performance Framework sets out the strategic objectives for all public services, including those delivering CLD (see Annex B). Within this, CLD's specific focus should be:

- **improved life chances for people of all ages, including young people in particular, through learning, personal development and active citizenship**
- **stronger, more resilient, supportive, influential and inclusive communities.**

2.4 CLD helps to develop the resilience and ambition needed to combat the effects of economic factors which cause deprivation and inequality. It ensures that barriers to achieving better life chances are identified, understood and overcome and that communities are full partners in delivering practical and policy solutions.

3. EFFECTIVE DELIVERY

3.1 This guidance sets out the principles within which CPPs should co-ordinate planning of CLD provision, setting out specific priorities. By clearly defining roles and responsibilities, it provides a basis on which community planning partners should work together to make best use of available resources.

3.2 CLD is a coherent and distinctive set of practices, defined by clearly identified competences; it is delivered in diverse settings and sectors, by practitioners with a wide variety of job titles, working with people of all ages. We must link all this together effectively if we are to achieve the impact that we seek.

² See the [CLD Standards Council for Scotland](#) website

3.3 CPPs should ensure CLD has a core role in delivering identified outcomes for communities. This will depend on maximising the contribution of the following partners:

- services in local authorities and government bodies with an identified CLD remit, and in voluntary sector organisations publicly funded for this purpose. These services should be closely aligned with education, culture, sport, leisure and library services and should use the resulting synergies to deliver agreed outcomes;
- those - often in the voluntary sector - in settings such as community health, housing, social enterprise, anti-poverty work, equalities or sustainable development;
- other public service organisations such as colleges and universities, the NHS and Skills Development Scotland;
- local communities or communities of interest, for example ethnic minorities or people with disabilities, concerned with shaping CLD services in order to deliver the outcomes that are important to them.

3.4 All these partners should aim to deliver CLD outcomes through:

- community development (building the capacity of communities to meet their own needs, engaging with and influencing decision makers);
- youth work, family learning and other early intervention work with children, young people and families;
- community-based adult learning, including adult literacies and English for speakers of other languages (ESOL);
- volunteer development;
- learning for vulnerable and disadvantaged groups in the community, for example, people with disabilities, care leavers or offenders;
- learning support and guidance in the community.

3.5 Local strategies for CLD should maximise the synergies between all these roles, across sectors; to do this, CPPs should consider if they are delivering the core activities of CLD through a sufficiently joined-up approach.

4. IMPROVING OUTCOMES FOR COMMUNITIES

*'Communities have high expectations of public services and have a key role to play in helping to shape and coproduce better outcomes within their communities. If community planning partnerships are to unlock that potential, their foundations must be built on a strong understanding of their communities, and provide genuine opportunities to consult, engage and involve them. CPPs must be able to engage closely with the needs and aspirations of their communities, within the context of local and national democratic control...'*³

³ Review of Community Planning and SOAs: [Statement of Ambition](#), 2012

4.1 The foundation of CLD delivery is an assessment - in partnership with learners and communities - of needs, strengths and opportunities. This clearly aligns with the Government's response to the Commission on the Future Delivery of Public Services, which sets out the approach to public sector reform as built on four *pillars*:

- a decisive shift towards prevention
- greater integration of public services at local level
- enhanced workforce development and effective leadership
- a sharp focus on improving performance through greater transparency, innovation and use of digital technology.

Prevention

4.2 A focus on prevention is a long standing feature of CLD practice. CLD practitioners prioritise preventative measures, work to reduce inequality and target the underlying causes of inter-generational deprivation and low aspiration.

4.3 Working with communities to realise and build on their own strengths or assets is at the core of the CLD delivery model. We want everyone involved in delivering CLD to emphasise this primary role. Activities must be designed with individuals and communities as active partners, in ways that focus on reducing the longer term need for input by public services - including CLD.

4.4 Public service planners and decision-makers will want to prevent problems from emerging and increase the opportunities for individuals, families and communities to shape their own lives. To this end they should make full use of CLD's ability to:
build an in-depth understanding of people's needs, strengths and aspirations through sustained dialogue;
identify issues and solutions at an early stage;
identify barriers to participation and strategies for overcoming these;
mobilise and support direct participation in planning and service design; and
enable community organisations to develop their infrastructure.

Effective partnerships: services and communities

4.5 The growing diversity of CLD provision coupled with the increase in partnership working to deliver a wide variety of programmes, services and initiatives means CLD activities and approaches now have a role in many partnerships.

4.6 Partnership working is already embedded in how CLD is delivered, but, as part of our drive for reformed public services, we need it to be deepened further, widened and more closely focused on outcomes.

- First, we want providers to go further in involving learners and communities as active partners in planning and delivering CLD, and to strengthen their focus on helping communities to influence, shape and co-produce services more generally.
- Second, we want to see partnerships that plan and deliver CLD include the full range of relevant partners. This means each local authority should have a clearly defined framework for planning and delivering CLD, through partnership, as a key element of its reformed public services.

- Third, partnership working to deliver CLD outcomes should provide the basis for delivering key priorities such as:
 - securing agreements to ensure effective links between learning in the community and college-based learning;
 - joined-up working to deliver better outcomes for children and young people through Curriculum for Excellence, including family learning;
 - more clearly focused and integrated support for communities to build their own capacity;
 - engaging fully in delivering shared outcomes with national and local Third Sector organisations, including culture and sport;
 - developing stronger links with Community Justice Authorities and community safety partnerships;
 - further development of CLD's role in local employability partnership work.

Finally, we want CLD practitioners and managers to build on the role they already play in helping other public service providers to engage effectively with service users and communities. The delivery of the three Change Funds, for Older People, Offenders and Early Years, should provide opportunities to use CLD expertise, making best use of existing resources.

Workforce development and effective leadership

4.7 At national level, CLD policy and related legislation are being developed in response to changing needs. We ask that workforce development keeps pace with these and supports their implementation.

4.8 The national CLD CPD Strategy and the *i-develop framework* provide the focus for developing a learning culture across the sector. The CLD Competences provide a common framework for practice, underpinned by a code of ethics.

4.9 Education Scotland, in partnership with the CLD Standards Council, will work with others to support CLD providers to build partnerships that continue to develop the CLD workforce. We welcome the joining-up of CPD partnerships across local authority and professional boundaries, for example the joint CPD programmes in the North Alliance and Glasgow Life.

4.10 We want to see an integrated approach to all stages of professional learning. A core of highly skilled practitioners will remain essential to achieving the impact we expect from CLD, and we recognise the need to consider further the future of pre-service training in that context.

4.11 Clearly, effective leadership is crucial to CLD delivering its role and impact. Further work to develop the skills, understanding and confidence for leadership at all levels within the CLD workforce should be a key focus for CPD.

Improving performance, innovation and sharing good practice

4.12 Effective self-evaluation by groups, services and partnerships is essential to improving performance and delivering better outcomes for learners and communities. Education Scotland will provide public accountability through inspection, challenge and support to local authorities and partnerships. In addition, CPPs should ensure that CLD providers are part of the planning and reporting process supporting Single Outcome Agreements, paying particular attention to local indicators.

4.13 In this context, CLD providers have developed a range of management information systems to support performance management and improvement. The information and evidence these produce is strong in relation to individual projects – but need more development in relation to wider programmes and outcomes at partnership level.

4.14 Valuable work has been done to quantify the impact of CLD and to identify savings it can help deliver for other areas of public investment. We will work with partners to build on this and develop the best unified, flexible framework possible for self-evaluation, performance management and measurement of impact, to meet local needs and improve understanding at national level.

4.15 We will work with partners to support CLD providers in driving forward the modernisation of their own services, using self-evaluation as a tool for continuous improvement.

5. IMPLEMENTATION AND SUPPORT

5.1 The implementation of this guidance provides the impetus for CLD to be delivered as a consistent, central element of public services in Scotland and will be based on a continuing dialogue with key stakeholders.

5.2 Throughout this guidance, we have laid out what we expect from community planning partners, with local authorities providing clear leadership and direction. We have also asked Education Scotland to develop an implementation framework, ensuring its own programmes of policy implementation, inspection, self-evaluation and practice support provide the necessary challenge in order to secure change.

5.3 This approach will achieve greater consistency in the provision and practice of CLD across Scotland, continuing to foster local flexibility in establishing priorities and delivering services, whilst improving outcomes. The implementation process should ensure that:

- the core purpose of CLD is closely aligned with developments in post-16 education reform and community empowerment policy;
- CLD services will help to deliver the new partnership with communities envisaged by the Christie Commission reforms;
- the roles of all partners are clarified both within core services and wider CLD landscape;
- local authorities will be supported to audit the need for CLD, in line with the proposed duty in forthcoming legislation.

5.4 We recognise that the current financial climate means, while there is increasing demand for CLD intervention and expertise, there is limited current scope for additional investment. We hope that Community Planning partners approach this challenge by focusing on prevention and seeking to innovate in their use of existing resources, including Change and Regeneration funding.

5.5 Specifically, we see the following responsibilities as being necessary.

We expect CPPs to:
Ensure that systematic assessments of community needs and strengths provide the basis for SOAs and service strategies and plans.
Ensure this assessment is based on engagement and continued dialogue with communities, utilising CLD expertise, as well as on analysis of other data.
Ensure SOAs have a clear focus on prevention and community empowerment as the foundation of reformed public services and utilise CLD provision and methods for these purposes.
Review current partnership arrangements for planning, monitoring and evaluating CLD and ensure that they are fit for the purposes set out in this Guidance.

Education Scotland will:
Raise awareness of the opportunities, challenges and responsibilities outlined above. Ensure its own CLD activities have a clear focus on implementing this Strategic Guidance and build and maintain a national overview of the impact of CLD. This will include: <ul style="list-style-type: none"> • policy implementation; • practice development; • support and challenge to local authorities and their partners; • support for self-evaluation; and • evaluation and scrutiny including inspection.
Promote the national CPD strategy and the <i>i-develop</i> framework.
Promote high standards of practice underpinning CLD.
Contribute to delivering the implementation framework and subsequent action plans.
Highlight to Scottish Government any issues arising relating to workforce development.

Education Scotland, working with key national partners, will:
Establish an implementation framework, ensuring that issues identified in this Guidance are addressed and that existing and proposed strategic developments in the broad CLD field are integrated with this implementation process e.g. ALIS 2020
Ensure learning from the implementation process is shared by local and national partners, and informs its continuing development.
Keep under review the progress in implementing this Guidance and report to Scottish Government annually or with specific issues.
Support the CLD Standards Council to become an independent registration body for practitioners.

We expect the CLD Standards Council for Scotland to:
Establish a registration system for practitioners delivering and active in CLD practice.
Deliver a professional approvals structure for qualifications, courses and development opportunities for everyone involved in CLD.
Develop and establish a model of supported induction.
Convene a CLD employer group for Scotland and explore options around workforce, including links with UK wide work on National Occupational Standards.

The Scottish Government will:

Explore legislative powers for CLD and communicate progress with partners.

We will pursue improving the involvement of colleges in community planning as part of implementation of the recent SG/COSLA review.

Examine the need to consider further the future of pre-service training.

Continue to involve CLD stakeholders in its post-16 Education Reform Programme.

Continue to promote the benefits of CLD methods across a wide range of policy areas.

Support Third Sector national organisations through the distribution of core funding.

Fund the SCQF Partnership to allow it to support and credit rate CLD courses.

Continue with plans to refresh the current youth work strategy, *Moving Forward*, in partnership with national youth work organisations.

Work with the Improvement Service and Education Scotland to develop improved indicators for the impact of CLD work as part of the on-going Local Outcome Indicator Project which supports CPPs in Scotland.

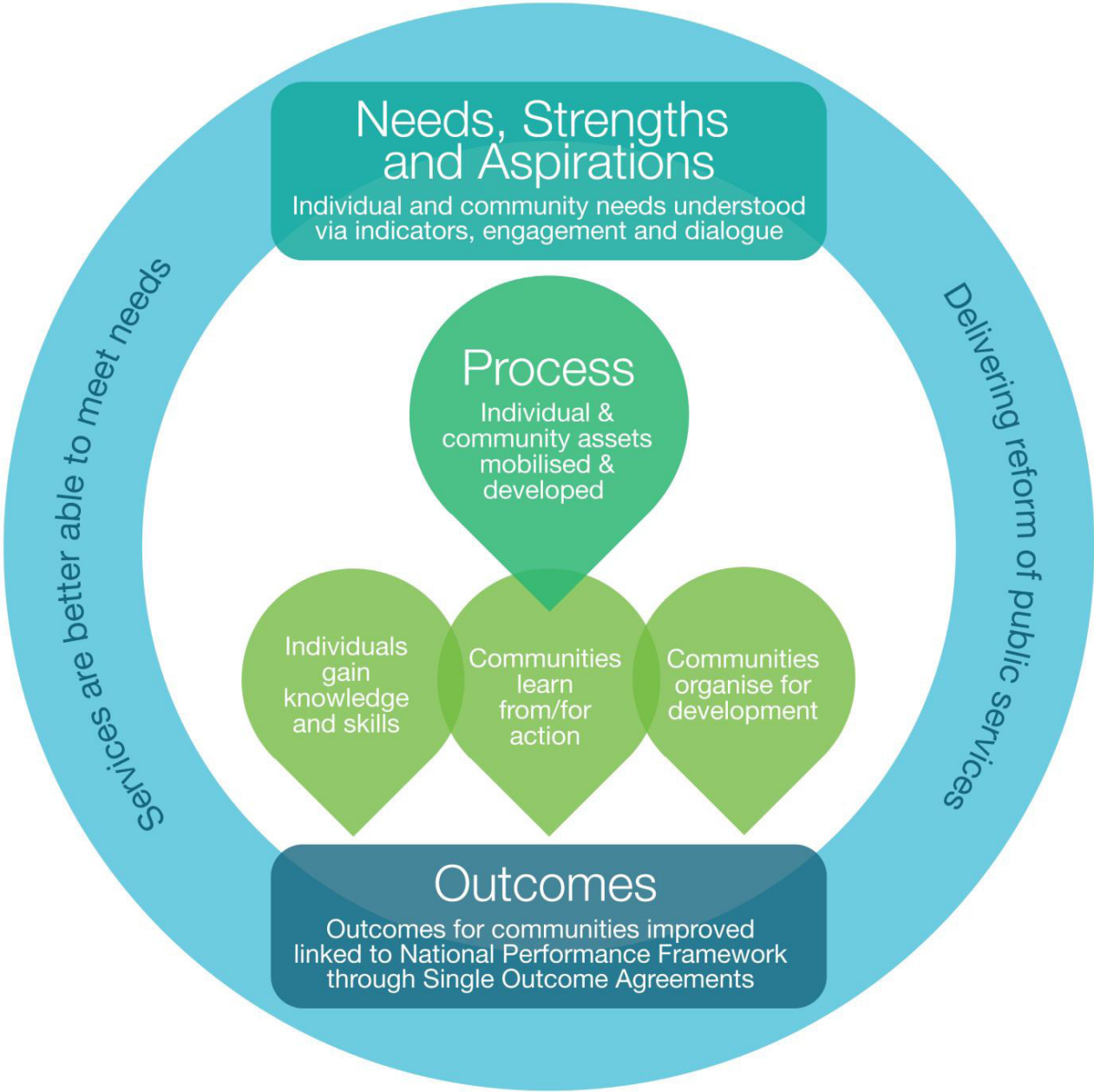
Commission Education Scotland to provide an evaluative report on the impact of the guidance, based on inspection evidence and any other thematic evaluative activity.

Annex A: The Policy Context For CLD in Scotland



Note: An interactive version of this diagram, including weblinks, will become available on the [Education Scotland](#) website.

Annex B: The Outcomes of CLD in Scotland



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The Requirements for Community Learning and Development (Scotland) Regulations, 2013

Consultation on draft regulations

The Requirements for Community Learning and Development (Scotland) Regulations, 2013

CONSULTATION ON DRAFT REGULATIONS

The Scottish Government has prepared a draft of an SSI titled *The Requirements for Community Learning and Development (Scotland) Regulations, 2013*. We are now consulting on this draft and the closing date for comments is 26th April 2013.

The intention is that the SSI will be signed by the Minister and laid before Parliament in the week beginning 27 May. This will allow for the required period of 28 days before the summer recess and for the SSI to come into force from 1st September.

The purpose of this briefing is to

- Explain the purpose of the proposed SSI;
- Outline the existing legislative basis for CLD and the current policy context as these relate to the proposed SSI;
- Explain the legislative process that the consultation relates to;
- Present the content of the draft SSI; and
- Identify key issues for consideration in relation to the draft SSI

This will assist those with an interest in the proposed regulations to consider what comments they wish to make.

The Existing Legislative Basis for CLD

The basis for Community Learning and Development (CLD) in existing legislation for education in Scotland was outlined in 1999 in guidance from the Scottish Office Education and Industry Department (Circular 4.99):

“Local authorities provide community education as part of the exercise of their duty under section 1 of the Education (Scotland) Act 1980 to secure the adequate and efficient provision of further education.”

The 1980 Act provides a legislative basis for CLD. Other legislation including the Local Government in Scotland Act 2003 and legislation relating to equalities and human rights has important implications for the provision of CLD; those of the 2003 Act are spelt out in the statutory guidance attached to it.

However, it is clear that the legislative basis for CLD is generally perceived to be weaker than that for other areas of public services such as school education or social work.

The Current Policy Context

Reforming Public Services

In its response to the Christie Commission's report, *Renewing Scotland's Public Services*, the Scottish Government has set out its vision for how Scotland's public services need to change, the four pillars of which are prevention, performance, people and partnership.

Empowering communities is at the heart of this:

“We will empower local communities and local service providers to work together to develop practical solutions that make best use of all the resources available. The focus of public spending and action must build on the assets and potential of the individual, the family and the community rather than being dictated by organisational structures and boundaries. Public services must work harder to involve people everywhere in the redesign and reshaping of their activities.”

As essential parts of the drive to modernise public services, the Scottish Government is: developing legislation to support community empowerment; reviewing Community Planning, as a result issuing new guidance on Single Outcome Agreements in December 2012; and reforming Post-16 education.

Strategic Guidance for CLD

The Scottish Government stated its intention to work with partners to develop a CLD Strategy in the pre-legislative paper on the reform of post-16 education, *Putting Learners at the Centre* (September 2011). As

a result, Strategic Guidance for Community Planning Partnerships: Community Learning and Development was issued in June 2012 as an integral part of the wider programme of public service reform.

The Strategic Guidance identifies the purpose of CLD as being to “empower people, individually and collectively, to make positive changes in their lives and in their communities, through learning”, and indicates that, within the national performance framework, CLD’s specific focus should be on:

- improved life chances for people of all ages, through learning, personal development and active citizenship; and
- stronger, more resilient, supportive, influential and inclusive communities.

The Strategic Guidance also makes clear that the Scottish Government wishes to see CLD delivered as a core part of public services across Scotland:

“The implementation of this guidance provides the impetus for CLD to be delivered as a consistent, central element of public services in Scotland and will be based on a continuing dialogue with key stakeholders”

The need to consider legislation on CLD

Set alongside comments above on perceptions of the legislative basis of CLD as weak compared to that of other elements of public services, these expectations of the role of CLD in delivering key outcomes indicate a need to ensure that the legislative basis of CLD is robust enough to support the decision making required.

In particular, the Strategic Guidance emphasised that “the foundation of CLD delivery is an assessment – in partnership with learners and communities – of needs, strengths and opportunities” and that implementation of the Guidance should ensure that “local authorities will be supported to audit the need for CLD, in line with the proposed duty in forthcoming legislation”.

Following from this, in identifying specific responsibilities for implementation the Scottish Government made the commitment in the Strategic Guidance to “explore legislative powers for CLD and communicate progress with partners”.

What is a Scottish Statutory Instrument (SSI)

Scottish Statutory Instruments (SSIs) are subordinate legislation. Subordinate legislation is normally made under powers granted by primary legislation (statute); in this instance, powers granted by the Education (Scotland) Act 1980.

Once an Act is in place SSIs fill in the detail of how it will operate; they usually take the form of regulations or orders .

The powers of the Education (Scotland) Act 1980 as they apply to CLD

Link to the Education (Scotland) Act 1980:

<http://www.legislation.gov.uk/ukpga/1980/44/contents>

Under section 1 of the 1980 Act, education authorities have a duty to secure adequate and efficient provision of “further education”.

This duty does not include the provision of further education “within the meaning of Part 1 of the Further and Higher Education [Scotland] Act 1992” (broadly speaking, further education provided through colleges); although education authorities do have the *power* to provide further education within the meaning of the 1992 Act.

Under section 1 of the 1980 Act, further education includes:

- “Voluntary part-time and full-time courses of instruction for persons over school age”; and
- “Social, cultural and recreative activities and physical education and training, either as voluntary organised activities designed to promote the educational development of persons taking part therein or as part of a course of instruction”

Local authorities provide CLD as part of the exercise of their duty to secure adequate and efficient provision of “further education”, defined as

including (but not being restricted to) the types of courses and activities outlined.

Under Section 2 of the 1980 Act, Scottish Ministers have power to “prescribe the standards and requirements to which every education authority shall conform in discharging their functions under section 1 of this Act”.

The preamble to the draft SSI, which is titled *The Requirements for Community Learning and Development (Scotland) Regulations 2013*, makes clear that they are being made under the powers of the 1980 Act:

“The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Education (Scotland) Act 1980 and all other powers enabling them to do so.”

(The Requirements for Community Learning and Development [Scotland] Regulations 2013 - draft)

Key Issues

The SSI is intended to strengthen the legislative basis for community learning and development. In particular it is intended to support the achievement of the following policy goals:

- Communities across Scotland - but particularly those who are disadvantaged - have access to the CLD support they need.
- Communities across Scotland are enabled to express their needs for CLD provision.
- Community Planning Partnerships (CPPs), local authorities and providers of public services more generally respond appropriately to the expectations set by the CLD Strategic Guidance

It seeks to do this by setting requirements on local authorities in relation to the auditing of need for CLD, consultation and planning.

We would particularly welcome your views on the following questions:

1. How well do you think the draft SSI will help to strengthen the legislative basis for CLD?

2. Are there aspects of the draft SSI that you think could be improved?

YES / NO

If yes

☐ What are they?

☐ What is the nature of the change you think should be made?

Responding to this consultation paper

We are inviting written responses to this consultation paper by 26 April 2013. Please send your response on the completed Respondent Information Form to: CLD@educationscotland.gov.uk

or

CLD Team
Education Scotland
The Optima
58 Robertson Street
Glasgow
G2 8DU

SCOTTISH STATUTORY INSTRUMENTS

2013 No.

EDUCATION

**The Requirements for Community Learning and Development
(Scotland) Regulations 2013**

Made - - - -

Laid before the Scottish Parliament

Coming into force - - 1st September 2013

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Education (Scotland) Act 1980(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Requirements for Community Learning and Development (Scotland) Regulations 2013 and come into force on 1st September 2013.
(2) In these Regulations—
“community learning and development” includes programmes of learning and activities designed with individuals and groups to promote the educational and social development of those individuals and groups; and
“target individuals and groups” means those individuals and groups, within the area of the education authority, that the education authority considers are most likely to benefit from the provision of community learning and development.
2. An education authority is required to initiate and, having done so, to maintain and facilitate a process by which community learning and development secured within the area of the education authority is secured in a way that—
 - (a) identifies target individuals and groups;
 - (b) has regard to the needs of those target individuals and groups for that community learning and development;
 - (c) assesses the degree to which those needs are already being met; and
 - (d) identifies barriers to the adequate and efficient provision of that community learning and development.
3. In exercise of the requirement in regulation 2, the education authority is to consult with—
 - (a) persons appearing to the education authority to be representative of the target individuals and groups; and

(a) 1980 (c.44). Section 2 was amended by the Education (Scotland) Act 1996 (c.43), Schedule 6 and the Self-Governing Schools etc. (Scotland) Act 1989 (c.39), section 69. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) persons appearing to the education authority to be representative of bodies providing community learning and development within the area of the education authority.

4.—(1) An education authority is required to publish a 3 year plan containing the information specified in paragraph (2) no later than 1st September in—

- (a) 2015; and
- (b) each third year after that.

(2) The plan must specify—

- (a) how the education authority will co-ordinate its provision of community learning and development with other bodies that provide community learning and development within the area of the education authority;
- (b) what action the education authority will take to provide community learning and development over the reference period of the plan;
- (c) what action other bodies intend to take to provide community learning and development within the area of the education authority over the reference period of the plan;
- (d) any needs for community learning and development that will not be met within the reference period of the plan.

(3) Before publishing a plan, the education authority must consult—

- (a) persons appearing to the education authority to be representative of the target individuals and groups for community learning and development;
- (b) persons appearing to the education authority to be representative of bodies providing community learning and development within the area of the education authority; and
- (c) such other persons as the education authority thinks fit.

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh

2013

APPENDIX C: ARGYLL AND BUTE CLD SERVICE POLICY LINKS

<p>Argyll and Bute SOA/CPP Themes</p>	<p>Economy</p> <p> SOA/CPP 2/CO6 We have a skilled and competitive workforce capable of attracting employment to Argyll and Bute</p> <p> SOA/CPP 9/CO3 Our people are supported to live more active, healthier and independent lives</p> <p> SOA/CPP 10/15/CO4 We work with our partners to tackle discrimination.</p>	<p>Social Affairs</p> <p> SOA/CPP 8/CO2 Our children are protected and nurtured so that they can achieve their potential.</p> <p> SOA/CPP 10/15/CO4 We work with our partners to tackle discrimination.</p> <p> SOA/CPP 11/CO5 Vulnerable, children and families are protected and are supported in sustainable ways within their communities.</p> <p> SOA/CPP 12/CO7 Our young people have the skills, attitudes and achievements to succeed throughout their lives.</p> <p> SOA/CPP 13/CO9 The impact of alcohol and drugs on our communities, and on the mental health of individuals, is reduced.</p>	<p>Third Sector and Communities</p> <p> SOA/CPP 15/CO4 We work with our (Third sector)partners to tackle discrimination</p> <p> SOA/CPP 16 Our Third Sector and Community Councils have access to information and support, including training opportunities</p> <p> SOA/CPP 17/CO8 Our partners and communities are able to be fully engaged in the way our services are delivered.</p>	<p>Improving Public Services</p> <p> SOA/CPP 18/CO15 We engage with our partners, our communities and our customers to deliver best value services.</p>
<p>National Outcomes</p>	<p> NO 3. We are better educated, more skilled and more successful, renowned for our research and innovation.</p> <p> NO 6. We live longer, healthier lives.</p> <p> NO 7. We have tackled the significant inequalities in Scottish society.</p> <p> NO 16. Our people are able to maintain their independence as they get older and are able to access</p>	<p> NO 4. Our young people are successful learners, confident individuals, effective contributors and responsible citizens.</p> <p> NO 5. Our children have the best start in life and are ready to succeed.</p>	<p> NO 11. We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.</p>	<p> NO 15. Our public services are high quality, continually improving, efficient and responsive to local people's needs.</p>
<p>Strategic CLD Guidance</p>	<p> Improved life chances for people of all ages, through learning, personal development and active citizenship;</p> <ul style="list-style-type: none"> • Prevention, early intervention/family learning • Broad general education (CfE); achievement and attainment • Senior phase and sustained positive destinations for 16+ • Health and Wellbeing • Literacy, numeracy and ICT 	<p> Stronger, more resilient, supportive, influential and inclusive communities.</p> <ul style="list-style-type: none"> • Empowering communities • Active citizenship • Effective leadership 	<p> Improving public services</p> <ul style="list-style-type: none"> • Effective partnerships particularly CLD CfE Colleges Culture and Sport, Community Justice, Employability • Greater integration of public services at local level • Enhanced workforce development and succession planning • Focus on improving performance through greater transparency, innovation and use of digital technology, with self evaluation as a key process 	
<p>Argyll and Bute CLD Outcomes</p>	<p>Adult Learning</p> <ul style="list-style-type: none"> Adults progress in recorded, accredited and non-accredited learning that is appropriate to their needs Adults are better equipped to access work and training through a range of employability-related learning opportunities <p>Youth Services</p> <ul style="list-style-type: none"> Offer recorded and accredited learning programmes for young people 	<p>Youth Services</p> <ul style="list-style-type: none"> Support young people to be involved in democratic, civil and voluntary activities Assist young people to improve their health and well-being Support young people at difficult transitional stages of their life <p>Adult Learning</p> <ul style="list-style-type: none"> Issues of exclusion, inequality and disadvantage are addressed through lifelong literacies and ESOL provision, and through other targeted learning opportunities aimed at vulnerable and excluded adults. 	<p>Community Development</p> <ul style="list-style-type: none"> Communities are actively engaged in, and influencing, community planning. The Third Sector have access to information and support, including training opportunities Vulnerable groups have access to services appropriate to their needs <p>Adult Learning</p> <ul style="list-style-type: none"> Adults have improved resilience and capacity to play an active part in their family and community lives through a range of personal development and health-related learning opportunities. 	<p>Youth Services</p> <ul style="list-style-type: none"> Develop effective partnership working arrangements with schools <p>Adult Learning</p> <ul style="list-style-type: none"> Partnership working contributes to effective delivery of a wide range of high-quality learning opportunities for adults, including promotion, guidance and support