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<b>Report To:</b>	<b>Education &amp; Communities Committee</b>	<b>Date:</b> 7 May 2013
<b>Report By:</b>	<b>Corporate Director: Education, Communities and Organisational Development</b>	<b>Report No:</b> EDUCOM/45/13/MP
<b>Contact Officer:</b>	<b>Maggie Paterson</b>	<b>Contact No:</b> 01475 715450
<b>Subject:</b>	<b>Scottish Statutory Instrument: The Requirements for Community Learning and Development (Scotland) Regulations 2013</b>	

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## 1.0 PURPOSE

1.1 The purpose of this report is to:

- Advise Committee of the Scottish Government's intention to strengthen the legislative basis for CLD through subordinate legislation under powers granted by the Education (Scotland) Act 1980;
- Advise Committee of the response made to the consultation on behalf of Inverclyde Council;
- Seek approval for the delegation of further powers to the Corporate Director: Education, Communities & Organisational Development to develop the implementation plan for the Strategic Guidance for Community Planning Partnerships: Community Learning and Development in line with the new legislation.

## 2.0 SUMMARY

2.1 On 28 March 2013, the Scottish Government opened consultation on draft regulations for a Scottish Statutory Instrument (SSI) for Community Learning and Development (CLD). See attached. The response formulated and submitted on behalf of the Council ahead of the closing date of 26 April 2013 is attached as Annexe 1.

2.2 The impending legislation has some implications for the development of the implementation plan to take forward the Strategic Guidance for Community Planning Partnerships: CLD as delegated to the Corporate Director by Committee on 22 January 2013.

## 3.0 RECOMMENDATIONS

3.1 It is recommended that Committee:

- Note the Scottish Government's intention to strengthen the legislative basis for Community Learning and Development;
- Note the response to the consultation on 'Scottish Statutory Instrument: The Requirements for Community Learning and Development (Scotland) Regulations 2013' submitted on behalf of Inverclyde Council;
- Approve the delegation of further powers to the Corporate Director: Education, Communities & Organisational Development to develop the implementation plan for the Strategic Guidance for Community Planning Partnerships: Community Learning and Development in line with the new legislation.

**Albert Henderson**

**Corporate Director Education: Communities and Organisational Development**

## **4.0 BACKGROUND**

- 4.1 In June 2012, the Scottish Government issued 'Strategic Guidance for Community Planning Partnerships: CLD' in which a commitment was made to 'explore legislative powers for CLD and communicate progress with partners'.
- 4.2 In January 2013, the Education & Communities Committee approved a report outlining proposals for taking forward the implementation of this Strategic Guidance and delegating authority to the Corporate Director: Education, Communities & Organisational Development to develop, in collaboration with community planning partners, proposals for the implementation of the Strategic Guidance in Inverclyde.
- 4.3 In March 2013 Scottish Government opened a consultation on draft regulations for a Scottish Statutory Instrument (SSI) for Community Learning and Development (CLD) to be laid before parliament week beginning 27 May 2013.

These draft regulations impose specific requirements on an 'education authority' such as :

- Identifying and have regard to the needs of target groups
- Consulting with representatives of target groups
- Consulting with representatives of bodies providing CLD
- Publishing a 3 year plan specifying how it will co-ordinate provision, what CLD it will provide, what other bodies will provide, any needs which will not be met within the period of the plan.

A response, as detailed in Annex 1, was prepared and submitted on behalf of Inverclyde Council.

## **5.0 PROPOSALS**

- 5.1 It is proposed that further powers are delegated to the Corporate Director: Education, Communities & Organisational Development to develop the implementation plan for the Strategic Guidance for Community Planning Partnerships: Community Learning and Development in line with the new legislation put in place.

## **6.0 IMPLICATIONS**

Finance: None

Legal: The SSI will place additional legal requirements on Inverclyde Council as an educational authority to co-ordinate and plan CLD.

Personnel:

Equalities:

## **7.0 CONSULTATION**

- 7.1 Specific consultation will be required following the SSI being laid before parliament in May.

## **8.0 BACKGROUND PAPERS**

See attached.

## **RESPONSE FROM INVERCLYDE COUNCIL**

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

Inverclyde Council welcomes this move to strengthen the legislative basis for CLD. The authority already assumes the lead role in planning and co-ordinating CLD in the context of Inverclyde Alliance, our community planning partnership, however, this legislation will provide a firm foundation on which to develop and enhance this work.

The authority recognises that this is a statutory instrument subordinate to the Education (Scotland) Act 1980 and, therefore, cannot impose requirements on other parties. However, the legislative basis for CLD would be further strengthened through equivalent SSI subordinate to other legislation, particularly that relating to community planning.

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

**YES**

**If yes**

#### **What are they?**

##### **(i) Identification of target individuals and groups**

Section 1 (2) identifies target individuals and groups as those whom the education authority considers are 'most likely to benefit' from the provision of CLD as distinct from those 'who might benefit most from CLD'. Section 2 implies that CLD is secured solely for identified target individuals and groups.

As exponents of lifelong learning it is difficult to perceive a category of people who would not benefit from CLD and this broad definition would embrace services which are sometimes described as 'universal' such as libraries learning, youth clubs, Duke of Edinburgh Award Scheme, Youth Councils, informal adult learning, sports and leisure classes. All of which the authority would want to continue to provide.

However, the authority must also have regard to making best use of its scarce resources and securing the highest possible impact for its investment.

Local authorities and community planning partnerships currently identify target individuals and groups on the basis of data pertaining to their employment status, income, health, educational attainment, age, offending, etc etc. These same target individuals and groups are in most cases the people who would benefit most from CLD.

Experience tells us that the problems faced by these target groups are very difficult to address, that the needs of our target groups are complex and that no single partner acting in isolation can resolve these issues.

In summary identifying target individuals and groups as those 'most likely to benefit from CLD' has the benefit of including current beneficiaries of services towards the universal end of the targeted – universal continuum. However, it does not reflect the need to prioritise the investment of CLD resources towards those who would benefit most, often those who have already been identified as target individuals and groups by the authority and its community planning partners.

##### **(ii) Assesses the degree to which those needs are already being met;**

Section 2 (c) If the needs of target individuals and groups are being identified and prioritised on the basis of the data available to the education authority and its partners, it is unlikely that these needs would already be being met, however, they could already be being addressed and factored into the process of prioritising and planning CLD provision.

**(iii) Identifies barriers to the adequate and efficient provision ...**

Section 2 (d) Other than resources it is difficult to perceive what these barriers might be other than better planning, consultation and co-ordination which is the purpose of the plan. It is not clear what this requirement will add to the impact of the SSI.

**(iv) Any needs for CLD that will not be met within the reference period of the plan**

Section 4 (d) Most authorities will not be sufficiently resourced to meet the needs of all target individuals and groups. It is not clear what this will add to the implementation and impact of the SSI. It would be more helpful if authorities were required to explain the basis on which they had prioritised particular target individuals and groups and what impact they expected to see before shifting their priorities to other areas of need.

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

**(i) Identification of target individuals and groups**

The second paragraph at Section 1 (2) is amended to 'likely to benefit most'.  
Section 2 (a) amended to 'identifies and prioritises target individuals and groups;'

**(ii) Assesses the degree to which those needs are already being met**

Change to 'assess the degree to which those needs are already being prioritised and addressed;'

**(iii) Identifies barriers to the adequate and efficient provision ...**

Omit.

**(iv) Any needs for CLD that will not be met within the reference period of the plan**

Change to:

(d) The processes used to identify need and determine priorities, as well as the processes which will be used to evidence that the need has been met and the priorities addressed.

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

DRAFT FOR CONSULTATION – 13 MARCH 2013

(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



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

**Development**