



To: **Forum for Empowering Communities**

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Report by:

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**THE REQUIREMENTS FOR COMMUNITY LEARNING AND DEVELOPMENT (SCOTLAND)  
REGULATIONS 2013: GUIDANCE FOR LOCAL AUTHORITIES**

## **1. Background**

- 1.1 In June 2012 the Scottish Government issued the Strategic Guidance for Community Planning Partnerships: Community Learning and Development ("CLD Strategic Guidance"). The document was directed at Community Planning Partnerships (CPPs) and recognised the vital role played by a wide range of organisations and services.
- 1.2 The CLD Strategic Guidance clearly identifies a lead role for local authorities "to provide clear leadership and direction, and to drive the action needed to ensure they maximise the contribution of CLD partners in the reform of public services".
- 1.3 This expectation has now been formalised by The Requirements for Community Learning and Development (Scotland) Regulations 2013 which place a legal requirement on local authorities to fulfil this role.
- 1.4 The CLD Regulations support the achievement of four policy goals:
  - To ensure communities across Scotland (particularly disadvantaged communities) have access to the CLD support they need;
  - To strengthen co-ordination between the full range of CLD providers, ensuring that CPPs, local authorities and other providers of public services respond appropriately to the expectations set by the CLD Strategic Guidance;
  - To reinforce the role of communities and learners in the assessment, planning and evaluation processes, enabling them to shape CLD provision; and
  - To make the role and contribution of CLD more visible.



1.5 Community Learning and Development has a specific focus within the Scottish Government's strategic objectives for public services:

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

1.6 CLD practice 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, skills and capabilities are used effectively.

The CLD Strategic Guidance is part of the wider programme of public service reform, which includes the developing role of community planning and the reform of post-16 education. It is intended to compliment these and other policy/ strategic developments.

## **2. Recommendations**

2.1 It is recommended that the Forum for Empowering Communities notes the content of the report.

## **3 Responsibilities**

3.1 The responsibility for meeting the requirements of the CLD Regulations rests with the local authority. In line with the Education (Scotland) Act 1980, the CLD Regulations refer to the 'education authority' but staff that have a role in securing the provision of CLD may be located in a number of different services such as education, culture, sport, leisure and library services. They will be at all levels of seniority from Chief Officer to operational grade.

3.2 The local authority is responsible for ensuring that all relevant services and community planning partnership partners are made aware of the CLD Regulations.



- 3.3 Where local authority CLD services are provided by arms-length external organisations (ALEO) in whole or part, (Engage, Trust), the duty to meet these Regulations remains with the local authority. It is the local authority's responsibility to ensure that any ALEO provides services in a way which will enable the local authority to meet its statutory obligations.
- 3.4 To initiate, track and maintain progress, a lead person or persons with an appropriate level of seniority has been identified. It is expected that staff with an appropriate skill set relevant to CLD will be in place at all levels of delivery, management and strategic planning.
- 3.5 The local authority also needs to ensure a range of partners are active in the planning, delivery and evaluation of CLD provision. Effective self-evaluation by groups, services and partnerships remains key to improving performance and delivering better outcomes for learners and communities. Renfrewshire has a good platform for developing this further through the learning community partnership model.
- 3.6 HM Inspectors will continue to carry out learning community inspections to evaluate the outcomes and impacts of activities in local areas. The inspections will aim to answer two key questions:
- How well are partners improving learning, increasing life chances, promoting and securing well being?
  - How well are partners working together and improving the quality of services and provision?
- 3.7 The learning community inspection process places a strong emphasis on partners' joint self-evaluation through their use of a quality framework such as How Good is our Community Learning and Development 2 and the revised quality indicators which were updated in 2012.
- 3.8 HM Inspectors will expect to see learning communities being aware of the CLD Regulations in advance of September 2015 and will consider local plans for implementation.

## **4. Regulation 1 – Citation, Commencement and Interpretation**

- 4.1 The CLD Regulations, which came into force on 1 September 2013, seek to strengthen the legislative basis for CLD by placing requirements on local authorities in relation to the auditing of need for CLD, as well as consultation and planning at local level.
- 4.2 The phrase 'community learning and development' in the CLD Regulations includes both programmes with an explicit learning focus and other types of activity that are



designed with participants and promote their educational and social development, such as adult literacy programmes. It also includes activities that develop communities as well as promoting the educational and social development of the individuals and group participating in them such as volunteering.

4.3 The CLD Strategic Guidance sets out the Scottish Government's expectations of what is included under the term 'community learning and development' and sets out the types of activities they wish to see partners undertaking to deliver CLD outcomes with target individuals and groups. Those activities include:

- 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.

4.4 Target individuals and groups include individuals of all ages, geographical communities, communities of interest and existing community or learning groups.

## 5. Summary

### Regulations 1 – Commencement and Interpretation

5.1 The Regulations may be cited as the Requirements for Community Learning and Development (Scotland) Regulations and came into force on 1 September 2013.

5.2 The Regulations state that:

- “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 that the education authority considers, having regard to the needs of the communities within the area of the education authority, are most likely to benefit from the provision of community learning and development.



## **5. Regulations 2 and 3 – Assessment of Community Learning and Development needs**

### **Regulation 2 – The process to secure CLD in the local authority area**

### **Regulation 3 – Duty to involve and consult**

5.1 The education authority is required to initiate and, having done so, to maintain and facilitate a process by which community learning and development is secured within the area of the education authority and is secured in a way that:

- Identifies target individuals and groups;
- Has regard to the needs of those target individuals and groups;
- Assesses the degree to which those needs are already being met; and
- Identifies barriers to the adequate and efficient provision of that community learning and development need.

5.2 In exercise of the requirements in Regulation 2, the education authority has to take such action as it thinks fit with a view to securing that the following persons are involved in and consulted on the process:

- Persons appearing to the education authority to be representative of the target individuals and groups; (learners), and
- Persons appearing to the education authority to be representative of persons providing community learning and development within the area of the education authority. (partners)

## **6. Regulation 4 – Three year plan**

6.1 The education authority is required to publish a three year plan containing the information specified above no later than:

- 1 September 2015; and
- Each third year after the date of publication of the previous plan.



6.2 The plan must specify:

- how the local authority will co-ordinate its provision of community learning and development with other persons that provide community learning and development within the area of the education authority;
- what action the education authority will take to provide community learning and development over the period of the plan;
- what action other persons intend to take to provide community learning and development within the area of the education authority over the period of the plan; and
- any needs for community learning and development that will not be met within the period of the plan.

6.3 Before publishing the plan, the education authority must consult with:

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

6.4 The above regulations place requirements on education authorities that they are to meet in discharging their duties under section 1 of the Education (Scotland) Act 1980 to secure adequate and efficient provision of further education. The requirements in these Regulations relate to community learning and development secured within the education authority's area.

## 7. Next Steps

- 7.1 New advice from Education Scotland highlights the need for the CLD plan to be firmly rooted within the Shared Risk Assessment and Local Area Network (LAN) processes and therefore owned and directed by the local authority's Chief Executive.
- 7.2 To aid this process, Education Scotland will write to all LA Chief Executives over the next couple of weeks to ensure that they are reminded of the context for the CLD Regulations and will expect this material to be included in their self evaluation responses.



- 7.3 The initial discussion between the LAN and the Chief Executive of the local authority will include:
- The key issues and challenges faced by the council;
  - What has changed since the previous SRA process;
  - How self evaluation drives improvement and what self evaluation information is available; and
  - How the local authority wish to be engaged, including; the frequency of engagement and who should be involved?
- 7.4 Following direction from the Chief Executive, the plan will be distributed for consultation and discussion and local CLD networks will be established to implement the actions at a local level; monitor and evaluation the actions and report impact.