

ABERDEEN CITY COUNCIL

COMMITTEE:	Education, Culture and Sport
DATE:	30 May 2013
DIRECTOR:	Gayle Gorman
TITLE OF REPORT:	Scottish Statutory Instrument - CLD
REPORT NUMBER:	ECS/13/031

1. PURPOSE OF REPORT

This report brings the proposed Scottish Statutory Instrument: "The Requirements of Community Learning and Development (Scotland) Regulations 2013", to the attention of the Committee; informs the committee of the consultation response provided by Council Officers; and outlines some of the implications to the Council of this proposed new legislation.

2. RECOMMENDATION(S)

It is recommended that the Committee notes the anticipated requirements that this forthcoming legislation will place on Aberdeen City Council, and requests a further report on the implications of the legislation once it is enacted.

3. FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

4. OTHER IMPLICATIONS

Legal Implications

Once enacted the SSI will place legislative requirements on Aberdeen City Council as the Educational Authority.

5. BACKGROUND/MAIN ISSUES

5.1 Existing legislative basis for Community Learning and Development (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.

5.2 Current Policy Context

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.

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

5.3 Strategic Guidance for Community Planning Partnerships: Community Learning and Development

The Scottish Government published *Strategic Guidance for Community Planning Partnerships: Community Learning and Development* in June 2012 as an integral part of the wider programme of public service reform.

The Strategic Guidance identifies the purpose of Community Learning and Development (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”

5.4 **Proposed new legislation**

In the Strategic Guidance document, the Scottish Government made the commitment to “explore legislative powers for CLD and communicate progress with partners”.

A proposed Scottish Statutory Instrument (SSI) has now been published which is 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.

It is anticipated that the SSI will go to Parliament on 27 May 2013 and will be implemented from 1 September 2013.

5.5 **Scottish Statutory Instrument: The Requirements for Community Learning and Development (Scotland) Regulations 2013**

The proposed legislation as published for consultation provides a definition of Community Learning and Development and Target Individuals and Groups.

The proposed legislation requires Education Authorities 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 in a way that:

- Identifies target individuals and groups
- Has regard to the needs of those target individuals and groups for CLD
- Assesses the degree to which those needs are already being met
- Identifies barriers to the adequate and efficient provision of CLD.”

The proposed legislation requires the education authority to consult with identified target individuals and groups and bodies providing community learning and development in relation to securing CLD within the local authority area.

Finally the proposed legislation requires the Education Authority to publish a 3 year plan containing the information about how it will maintain and facilitate a process to secure CLD in line with the above

requirements. The first plan is required to be in place in 2015 and every third year thereafter. The proposed legislation sets out what the plan must specify.

The ongoing work to audit Community Learning and Library Service will directly input into such a three year plan and is critical to ensure that Aberdeen City Council is able to comply with the new legislation.

5.6 Consultation Response

Officers within Education, Culture and Sport have put back a response to the consultation document as attached at Appendix A.

6. IMPACT

Corporate – This report relates to ‘Aberdeen – the Smarter City’

- We will work with our partners to seek to reduce the levels of inequality in the city.
- We will enhance the physical and emotional wellbeing of all our citizens by offering support and activities which promote independence, resilience, confidence and self-esteem.
- We will provide a high quality education service within our schools and communities which will improve attainment and life chances of our children and young people to achieve their full potential in education, employment or training.
- Working with our third, public and private sector partners, we will provide opportunities for lifelong learning which will develop knowledge, skills and attributes of our citizens to enable them to meet the changing demands of the 21st century.
- We will aim to have a workforce across the city which has the skills and knowledge to sustain, grow and diversify the cultural economy.
- We aspire to be recognised as a City of Culture, a place of excellence for culture and arts by promoting Aberdeen as a cultural centre hosting high quality and diverse cultural events for the whole community and beyond.
- We will embrace the distinctive pride the people of Aberdeen take in their city and work with them to enhance the sense of well-being here, building strong communities which look out for, and look after one another.

This report also relates to the Combined Community Plan and Single Outcome Agreement as follows:

- Protecting children and vulnerable adults
- People of all ages take an active part in their own learning to achieve their full potential Learning and training is appropriate and accessible to learner’s needs

- Children and young people access positive learning environments and develop their skills, confidence and self esteem to the fullest potential
- Children, young people and their families/carers are involved in decisions that affect them. Their voices heard and they play an active and responsible role in their communities
- Educational attainment in Aberdeen is continuously sustained and improved
- School leavers enter positive destination of employment, training or further and higher education with a focus on and support for young people who require More Choices and More Chances
- Children and young people actively participate in their communities and have optimum involvement in decision making
- All children, young people and their families have access to high quality services when required and services provide timely, proportionate and appropriate response that meeting the needs of children and young people within Getting it Right for Every Child, (GIRFEC) requirements
- Improve the quality of life in our most deprived areas
- Citizens are increasingly more active in their communities regardless of age, gender, sexual orientation, ethnic origin, where they live, disability or faith/religion/belief and contribute to 'active citizenship'
- Develop pathways to participation which enhance the diversity of local representation at and engagement with regional, national and international arts, heritage and sporting events
- Our public services are consistently high quality, continually improving, efficient and responsive to local people's needs

Public - This report may be of interest to members of organisations and individuals who are currently involved in the delivery of Community Learning and Development activities.

7. MANAGEMENT OF RISK

There is a need to manage the risk around ensuring that the appropriate resources are in place to audit the need for, and put in place systems to meet the requirements for Community Learning and Development. The ongoing Audit of Community Learning and Library services project outcomes will lead to the development of the required 3 year plan.

8. BACKGROUND PAPERS

22/11/12 Education, Culture and Sport Committee: Audit of Community Learning and Library Services

20/9/12 Education, Culture and Sport Committee: Scottish Government: Strategic Guidance for Community Planning Partnerships, CLD

20/9/12 Education, Culture and Sport Committee: Library and Information Service: New Ways of Working

6/7/12 Education, Culture and Sport Committee Information Bulletin: Library and Information Service Update

10/9/11 Education, Culture and Sport Committee: Library and Information Services New Ways of Working
24/3/11 Education, Culture and Sport Committee: Implementation of Budget Decision – Reduce Communities Team

9. REPORT AUTHOR DETAILS

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Appendix A – Response to SSI Consultation

CONSULTATION QUESTIONS

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

Aberdeen City Council welcomes the proposed SSI and believes that it will help strengthen the basis for and understanding of Community Learning Development in Scotland; its role in delivering strong outcomes for individuals, families and communities; and will help ensure that the Strategic Guidance for Community Planning Partnerships: Community Learning and Development is embedded in the practice of local authorities and partners.

It is welcomed that the SSI clarifies that a Community Learning and Development process should be initiated, maintained and facilitated by the education authority. This gives strength to the view that there is a requirement for such processes to be undertaken within the context of the promotion of educational and social development of individuals and groups, particularly those who are deemed most likely to benefit from such provision.

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

Yes x No

If yes

- What are they?

1 (2) Definition of Community Learning and Development.

4 (2) The requirement of the Education Authority to co-ordinate its provision of CLD with other bodies that provide CLD.

3 Consultation

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

1 (2) This definition is fairly vague. It would be helpful to develop this definition further including specific linkage to the Strategic Guidance. The reference to individuals and groups should be widened to also include

families and communities. The outcomes of community learning and development programmes may also lead to improved health and wellbeing and economic position.

4(2) It would be helpful to strengthen what is meant by other bodies that provide CLD. It is recommended that the SSI places a requirement that all CLD delivery bodies which receive public funding will be required to cooperate with this legislation.

3 As well as placing a requirement on Education Bodies to consult with bodies providing CLD within the local authority area, it would also be recommended that such bodies which receive public funding should also be required to base their decisions and plans on the outcomes of these and their own consultation with target groups and other providers.

Other:

Links/ reference to the proposed CL&D Code of Ethics within the legislation may assist Local Authorities to articulate what their expectations are of those who are to be tasked with ensuring that people and communities are empowered via a process of transformational engagement which is governed by a code of acceptable practice.

It would be helpful to more clearly define the outcomes that are expected as a result of the legislation. This may include the development of a range of SPIs.