



The Church of Scotland

Church and Society Council

## Official Response

**SUBJECT:** Consultation on the Proposed Community Empowerment and Renewal Bill

**REQUESTED BY:** The Scottish Government – Directorate for Local Government and Communities

**REFERENCE:** OR-2012/16

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### Key Points

The Church of Scotland is committed to community empowerment and to working with communities, partners in government and the voluntary sector to achieve community empowerment.

We have demonstrated this commitment in a number of ways, particularly through our work in priority areas (corresponding to the poorest 5% of neighbourhoods in Scotland) in Glasgow and elsewhere.

We are not fully convinced of the need for new legislation. Opinions within the Church have varied on the need and there is no consensus that new legislation is needed.

We are aware of the long standing commitment and professionalism of staff and elected members in government and voluntary organisations; and the real achievements that have been made in promoting community engagement. Nevertheless we have still encountered frustration and anger in communities about the lack of empowerment, with many people still complaining that they are marginalised in decision making about vital services.

The Church is committed, by decisions of the General Assembly, to work on behalf of those in greatest need and we are ready to join with the Scottish government and other partners to tackle this disempowerment: for example in community budgeting, through participation in community planning and other local partnerships and in supporting communities managing property assets. We hope that the Church, at local and national level, can continue to develop its contribution to community life.

We recognise that communities in Scotland come in a wide range of shapes and sizes, and have different needs and strengths. One of the really exciting challenges is to provide a framework which enables communities to thrive whilst be flexible to individual local need. The commitment of the Church is directed towards where need is greatest, to places which are vulnerable, disadvantaged and on the margins.

These points are explored in detail in the full response below.

## Introduction

Thank you for the opportunity to respond to this consultation, and for the extended time period in which groups have been given to respond. It has enabled a wide-spread discussion within the Church of Scotland, including with the Priority Areas Committee and Chance to Thrive Project, the General Trustees, the Church and Society Council and CrossReach – the Social Care Council. Between them, these groups represent part of the Church's involvement in a range of public and community activities, including Scotland's poorest communities, the area of social care provision, legal and property affairs, public policy and developing the lives of congregations and parishes. All our work is centred around the mission of the Church to develop worshipping, nurturing congregations, to serve the whole of society and to proclaim through word and deed the liberating message of Jesus Christ. In this work the Church of Scotland has a long established position of ensuring a particular concern for the poorest and most marginalised in our society.

As an illustration, some of the projects and initiatives that the Church of Scotland is currently engaged in includes:

- the Priority Areas work, engaging in a wide variety of anti-poverty initiatives, including supporting self-reliant groups working with women in deprived areas, helping develop self-esteem, confidence and building a sustainable social enterprise.
- the Chance to Thrive project, working in community development in eight areas across the country, supported by volunteer mentors with a view to build social capital and capacity, using the Church's funds, assets and property to best practical effect.
- CrossReach, where local services are rooted in the communities where they are located, and often with links or connections with local churches.
- the General Trustees, owners of Church property, have a great deal of experience and consciousness that often Church of Scotland congregations and their buildings are a stable presence in an often changing landscape. They have also dealt with issues relating to community right-to-buy.
- the Church of Scotland is happy to support the aims and work of the Poverty Truth Commission and Faith in Community Scotland, and we are aware that conversations have already taken place with civil servants prior to this consultation. The Church is pleased to see such engagement at an early stage in policy development and to continually emphasise the motto adopted by the Poverty Truth Commission: Nothing About Us Without Us Is For Us. Our experience is that those affected by decisions need to be involved in the taking of the decisions if we are to stand the best chance of making the right choices. We are pleased that the Poverty Truth Commission is making its own detailed response to this consultation and that it has also been appointed as a member of the Bill's Reference Group.

Due to the wide ranging nature of our conversations, which included formal and informal as well as face-to-face and email contact, we have opted not to reply to the individual questions but rather have grouped our comments under an appropriate heading.

### *Community Planning*

It is hard to disagree with anything that is included in the consultation paper although we are concerned that community planning structures often appear remote (and hierarchical) in their relationships to local communities.

Our biggest concern is about how the aspirations of the Bill are going to be delivered. The key question is about funding – how does the Government expect to help communities embrace all the ideas that are included in the paper? At a time of national and local funding constraints, and in many areas severe cuts, how can capacity be built without money to ensure it happens well?

Another important consideration is about the status and health of democracy, especially at a local level. With increasingly low turnout in elections, politicians are often selected only by a minority of the population. Elected representatives can also be seen to be either out-of-touch or not focusing on the core priorities of most people, leading to alienation, further deterioration in turnout and increasing issues about legitimacy. We believe that it is important that any legislation – and programme for action – seeks to ensure the potential link between representative and participative democracy. We note that there has been a significant trend over the past 20 years where there has been increasing direct contact between local government officers and the public, partly as a statutory duty as part of the ‘best value’ regime to promote community involvement in decision making. This has had an impact on the role of council members whose role has changed slightly.

We are interested in what is defined as a ‘community’ and also other key words used throughout the consultation such as ‘participation’, ‘engagement’ and ‘empowerment’. They are often used in a way which could be interchangeable, but, in our experience, they do mean very different things. Such confusion of terms is one of the things which often leave individuals and communities feeling disenfranchised and unwilling to participate – people are told that there is a desire for communities to become empowered only to discover that it was a narrow consultation process. We are far more interested in empowerment and decisions, rather than engagement which is purely consultative or as a token response to a statutory duty.

One of the things that we find missing from the consultation document is much overt discussion or consideration of values – not just what we want to achieve but why we want to achieve it. This is often the starting point for discussion within the Church, and finding it missing from the consultation paper represents a significant weakness. For us the real rub is whether the values and principles behind these proposals are in line with our own. Churches are involved in and interested in community participation because we believe in a God who calls us to love, serve and share the Gospel and its message of bias to the poor, vulnerable and marginalised. That is our primary aim, and always has been and always will be.

Our position as the National Kirk and one of Scotland’s biggest organisations gives us a unique perspective and experience in issues, especially given our primary focus on local communities. So our request is that Church involvement in community empowerment and renewal is seen as a genuine partnership which recognises and respects the beliefs, values and aims which motivate our members.

We would strongly encourage new and creative ways in taking these ideas forward. It is probably better not just to liaise with national offices of organisations but to look at ways to take forward opportunities in neighbourhoods and parishes – to find out what people in different places really think. This kind of consultation is part of real empowerment, and the Church is well-placed to deliver such a programme. Our experience with projects such as Chance to Thrive or the development of Self Reliant Groups, for example, could be learning that would benefit communities all over Scotland.

As proposals for the Bill develop, we would be pleased to facilitate these kinds of conversations, perhaps also with some of CrossReach's projects, or examples that the Church has been involved in community right-to-buy which have been difficult or unsuccessful. We would be happy to offer the contacts and facilitate a range of meetings between officials and local communities and a variety of contexts if that would be helpful.

We are interested in developing a definition of 'community'. The consultation often speaks with the assumption that it is a geographical unit. Perhaps this may be truer in some rural areas than in some urban ones, but often individuals identify with a work community, or a community of interest, perhaps a shared hobby. If one considers school catchment areas, or in the Church setting, a parish or a gathered congregation (where a local church draws its membership from a wide field, beyond its own parish boundaries) – should these proposals consider the growing diversity of communities beyond just geography? It is also our experience that the idea that a community is a homogenous group where everybody agrees and shares common values is probably wishful thinking. No community is so small that it cannot be divided among itself. It is important to recognise that an empowered community will be taking decisions and embarking on a direction of travel that not all its members will be happy with; difference need to be respected and resolved through a well-managed process.

In our conversations we have had mixed feedback on the role and effectiveness of Community Councils. In the words of one person this is "because they have no power, no money and are rather self-selecting as a group of people." Other views are quite different; we heard stories of regular reporting of Community Councils in church newsletters, and a plea for the active involvement of Church members in the running or holding to account of Community Councils. Examples from rural areas highlighted the involvement of people in election to Community Councils how this can lead to a development of a feeling of responsibility and connection between individuals and 'their' community. There is also a sense that a successful Community Council can be a place which asks independent and important questions of the local authority (generally regarded as a good thing).

There is a general lack of awareness of the powers and rights of Community Councils, and even how people are appointed to them. Perhaps there needs to be greater publicity and awareness about what they are and what they do to improve information across the whole of Scotland. One problem that some identified was that Community Councils can concentrate power or a voice among a small group of people, and so actually *disempower* the rest of the population, including other community organisations which have their own effective systems of accountability and responsibility – such as Trades Unions, Churches and faith groups, community organisations, charities. Real empowerment would see everyone with an interest in the community involved in decision-making.

One related issue that was raised several times during our conversations was that many of the ideas and initiatives outlined in the consultation paper are already known about and being worked on across Scotland. There are some within the Church who strongly question the need for further legislation in this area, indicating instead that "people should just get on and do it". Others see the role that legislation can have in leading change and highlighting the priorities of Government, and so

would welcome additional legislation as a symbol as much as the statute itself. Ultimately, however, there was shared agreement that people remain the greatest asset in community development, money is power in terms of achieving goals, use is more important than ownership and keeping money in a local community helps with renewal. The Church's focus is improving structures and culture to give a bias to the powerless. Does this require new legislation?

Some concern has been expressed that Community Planning often covers very large areas (eg. c. 150,000 in North Glasgow) and that smaller units are probably better. There can also be a need for broader consensus between neighbourhoods; some of our experience suggests that in some places there can be jealousy and personal interests involved and their needs to be a way of brokering and mediating between different groups each wanting more resource for their own area, regardless of need or context.

### *National Standards*

There was a split of opinion on this subject. Some said quite clearly that you can't legislate for being happy. Others say that laws can help change culture – so long as it doesn't become a box-ticking exercise. Other people said that they had not heard of the National Standards before; perhaps this suggests more work needs to be done in awareness within local authorities, public bodies and communities about what they are and guidance on how to follow them.

Of those who did know about the National Standards they suggested that they were often ineffective, rather a high-level set of statements with people simply continuing to act as they always had done. A better question might be how to get communities (in whatever shape or form) to be involved in Community Planning Partnerships. Some felt that at the level of public bodies, 'engagement' and 'participation teams' are really just a box-ticking exercise, and that it would be better if budgets could be transferred to support communities properly, whilst at the same time putting a statutory responsibility on local authorities to engage with communities.

A further suggestion that arose in our conversations was for a more radical look at the shape of local government below the level of local authority. In many other countries, and in the church, a local unit of authority and decision-making is the norm. Could this, and should this be replicated in Scotland? We do not have any answers, but it seems to us the principle of subsidiarity is one which has many merits and may lead to real involvement, empowerment and renewal. In some places it might be a formal community body, others an informal mechanism, in others a community development company; it may vary depending on context. Where we see communities which are disempowered or challenging, often some of the barriers are the blocks to innovation and living creatively .

### *Community directed spending – participatory budgeting*

We are strongly in favour of this idea. The Manchester-based Participatory Budgeting Unit grew out of Church Action on Poverty. The Church of Scotland's Priority Areas team has experience of running such schemes and would be happy to advise. It is a key aspect of subsidiarity and one which will truly empower communities.

### *Community right to buy*

We heard stories that some local authorities are currently trying to offload undesirable property. On the one hand this could provide a much needed source of revenue to overstretch local authorities. Another argument says that the local authority represents the community, so asking for a

community right to buy is like asking Peter to pay Paul. If community organisations do purchase a property, who then pays the bills for security and repair? Where is the competent property management?

We also heard questioned whether owning an asset is necessarily a good or desirable thing. If community capacity can be offered using rented or borrowed assets we question the requirement for ownership to change hands.

One comment from our conversations is that it is odd that the community right to buy is being pursued as the thing which gives power when for huge swathes of society, having been forced to buy their own house, have become disempowered by the process. There are a lot of community organisations that would struggle if they were told they had to own and manage property. The strength of communities is running organisations, not managing property and being responsible for capital assets and liabilities.

The Church has experience of land community companies where rural communities have not been able to come up with the money. This has led us to question how representative of the 'community' is the 'community organisation' that claims to represent them, and that often local politics and personal feelings come in to play. If there is to be a right to buy the community also needs to know about the responsibilities as well as the cost and time needed to process these things. For example, a local self-reliant group starting a social enterprise might find use of an empty shop to be a really important asset. But do they want to own the property? Will a decision today burden them with unforeseen difficulties for years to come?

Our biggest question with regard to this proposal remains: why? It has not been spelt out clearly why this is necessary or desirable.

On allotments, there is strong support that they are a good thing. Knowing demand exceeds supply suggests that it would be good if more fertile land could be offered, even if only for a two or three year term if a property development is planned.

### *Community asset transfer*

A question was raised about the premise that community organisations always are expected to expand, to move from renting to owning, to growing year on year.

This is fundamentally a lesson learned from capitalism and market forces, and is one which we do not think is appropriate in this context. We believe that it is often better to focus on projects remaining flexible and sustainable – even if they are small. Projects which are enterprising and growing become competitive, which can often result in hurt feelings, a sense of unfairness and then subsequent disengagement.

Sustainability is different from growth. If you keep things small it can prevent them from getting too complicated. The Church of Scotland's recent report on the purposes of economic activity spoke of the need for priorities in economic life: ensuring sustainability, promoting mutuality, ending poverty and reducing inequality. It would be encouraging if the Government could see policy development in this and other areas through these four simple, but radical, ideas.

### *Asset management*

In our experience communities can run land and buildings well, for example the success of Housing Associations, where projects are locally owned and run, but supported by professional staff.

From a Church point of view, the General Trustees provide the buildings whilst congregations run the local services – from Sunday worship to youth clubs.

We have heard a need for rent to be more affordable and flexible for community organisations. We have also heard of a need to keep rents realistic to ensure maintenance and development of buildings for the future. A key issue is the involvement of local organisations in decisions about the disposition and running of assets that they use.

#### *Leases and temporary uses*

We have concerns that a community which develops or uses a temporary space might begin to grow a sense of ownership, especially if they invest time and resources in a scheme. When a temporary use comes to an end, expectations and feelings will have to be managed.

We have some concerns about whether this is a law which would enable people to take hold of land, or about making it easier and simpler for local authorities to dispose of costly to maintain assets. It would be appropriate to strengthen the community right to rent / lease alongside ownership.

Flexibility is the key and depends on the wishes of the organisation in question. Some of our experts in the area estimate that 70-80% of projects would probably prefer to rent rather than own – so they can concentrate on delivering their aims rather than maintaining property.

The model operated successfully by Scottish Churches Housing Action is one where they link churches whose buildings are no longer required with social housing providers. SCHA are in the process of purchasing housing for rental at a reasonable rate.

We also heard reports that in some areas in the last 9 months there has been a big jump in the charges levelled by some local authorities for community groups use of premises. At the same time services are being cut and local authorities are hoping that community groups will fill the gaps. In this context questions of ownership and leasing are seen more in terms of what people can afford rather than how best can this possibility renew our community.

#### *Assessing Impact*

We would strongly urge some assessment of measuring well-being as being an essential criteria to judge the impact of these proposals.

The Church of Scotland focuses work in Priority Areas – the areas of multiple deprivation which we are committed to resourcing and working with for the long term. If the Government really want to help reduce inequality then they need to create a framework which is flexible and works for these areas, not just for affluent, resource and social asset rich areas. Our argument is that it is right, and important, and better for all, if we have as a stated aim more equality, which means focusing energy and resources where there is most disadvantage. There is a strong perception that more articulate affluent areas are more successful at taking up the resources and opportunities public bodies provide than poorer areas. The processes to be involved and empowered need to be simple. We are concerned that without careful thought, some elements within the consultation if they move forward to the Bill are more likely to favour better off neighbourhoods – at the expense of poorer ones.



Similarly, communities in Scotland come in all shapes and sizes; it is important to think how to respond best to rural communities, to small towns, inner cities, suburbs, islands. When we talk about universality, the Church remains committed to serving the whole country. Our values point to going to where the need is greatest, and so should the Government.

We have an interest and experience in participatory budgeting, and are keen to see it tried out more widely and properly assessed. There are different models, we would be happy to suggest some input and help deliver this where we are able.