

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

FAQ

Q. How will implementation of the CLD Regulations be scrutinised?

Completed elements of the plan will be shared with your [Local Area Network](#) and contribute to the shared risk assessment (SRA) co-ordinated by Audit Scotland. The SRA process involves each scrutiny body sharing the evidence it has gathered about each local authority and deciding on a joint risk assessment for that authority. The LAN then decides on any necessary scrutiny activity depending on any areas of risk identified. An [Assurance and Improvement plan](#) is published by Audit Scotland on an annual basis for each local authority area. Education Scotland play a key role in the SRA and are represented on each LAN by an Education Scotland Area Lead Officer, who will draw on a range of intelligence as well as inspection evidence when contributing.

The CLD Regulations seek to strengthen the ability of partners within each local authority area to identify CLD needs and strengths and to deliver effective, high quality CLD learning opportunities that improve life chances and strengthen communities, developed and agreed by all relevant partners and with communities. It is right that scrutiny is also at the local level and the focus should primarily be on accountability to local communities, learners and partnerships.

In order to gain a national picture of early progress, however, Education Scotland may carry out an Aspect Review of the process and planning required to meet the requirements of CLD Regulations within one year of the September 2015 deadline.

Q. Why is the Strategic Guidance aimed at Community Planning Partnerships but the CLD Regulations lay requirements on local authorities only?

As things currently stand, CPPs are not constituted as legal entities and Scottish Government cannot place any legal requirements (such as the CLD Regulations) on them.

The CLD Regulations are made under the powers of the Education (Scotland) Act 1980, which allow Scottish Government to place requirements on local authorities (referred to in the act as Education Authorities for historical reasons) with regard to the broad area of education. Local authorities are the lead organisation in each CPP and they are explicitly required to work with partner organisations and communities to meet the requirements of the CLD Regulations.

The [Local Authority Guidance](#) makes it clear that strong links to the CPP are expected throughout the process and planning required.

Q. Other than the local authority, are public and third sector organisations legally bound to participate in the planning process? Will we be penalised if we are not involved?

While the CLD Regulations place no legal requirements on partners or communities, they have been widely welcomed by the voluntary sector and other partners, many of whom are eager to contribute.

Partnership working is an important element of many quality frameworks and a key theme of public sector reform. Better understanding and co-ordination of services support a more efficient and effective use of resources. Effective collaboration plays a vital role in improving life chances for people of all ages, and in creating stronger, more resilient, supportive, influential and inclusive communities as outlined in [The Strategic Guidance for Community Planning Partnerships: Community Learning and Development](#).

Q. What is ‘adequate and efficient’ CLD provision?

Scotland is a diverse place, and what is adequate and efficient provision in one area is very different to another. There is no single definition that would apply to all areas, and we have not provided one. This legislation has been designed to support you, at local level, to have these discussions with your partners and your communities. Some of the questions you as a group of partners (including communities) may wish to consider are:

- What are your strengths?
- Where does support need to be targeted and why?
- Where are the areas of inequality and deprivation and what are your indicators?
- What is currently being offered there, is it sufficient?
- Are your resources being used as effectively as they might be across all those delivering CLD? How do you know, what and how do you measure?
- What do communities and partners understand by the phrase “adequate and efficient”, and do these understandings differ significantly from the local authority’s understanding?

These can be difficult discussions, but they are vital to ensuring that you develop a shared understanding locally and allocate time and resources accordingly. Further guidance on this can be found [here](#).

Q. Why are we being asked to identify barriers to adequate and efficient provision? Does this leave us vulnerable to criticism?

Identifying areas for improvement is part of the developmental cycle and is important in raising awareness of issues which, over time, can be addressed and lead to better provision. You will already be carrying out self-evaluation, and this provides a focus for joint self-evaluation involving your partners, learners and communities.

It is important that these discussions take place in an open environment, which is why this requirement falls under Regulation 2. You are not required to publish your

findings, although we would expect them to be shared with those who have contributed to the process and for them to inform the content of your plan.

Q. The planning cycles for the CLD Regulations and the SOA/ Community Plan do not fit well together. Might this change in future?

The process to meet the requirements of the CLD Regulations should take account of future cycles of the SOA and Community Plan in your area. You will be working closely with community planning officers and partners to get full value from the range of engagement mechanisms and data that they hold, and equally to share all the information that you get back from the involvement and consultation that is at the heart of the CLD Regulations.

While the CLD Regulations culminate in a published plan every three years, the underpinning process to involve communities and partners in planning and to measure the impact of provision is an ongoing developmental activity which will naturally feed into broader planning cycles.

Q. How does Education Scotland define CLD for the purposes of the Regulations?

The CLD Regulations are underpinned by the existing definitions to be found in current policy documents. [The Strategic Guidance for Community Planning Partnerships: Community Learning and Development](#) sets out the Purpose and Outcomes of community learning and development, and describes the range of partners and activities included in the term. It also refers to The CLD Standards Council for Scotland's [competences and values for effective practice](#).

Q. Our partnership has already identified our target individuals and groups as part of our Single Outcome Agreement/ Community Plan. Do we need to do any more work on this?

The CLD Regulations require partners and communities to be “involved in and consulted on the process” described in Regulations 2 and 3, and “consulted on” the resulting plan before publication. It is for each local authority to decide how best to meet these requirements, and to ensure that the data they are drawing upon is current, robust and fit for purpose.

While the work undertaken as a part of the SOA process will be valuable information to build upon, Scotland is in a period of immense change. You should consider whether the information gathered for the SOA process asked the same questions as those required by the CLD Regulations; whether the full range of communities and partners contributing to CLD were asked to participate; and whether things have changed within the local authority. For example welfare reform, the Referendum process, changing demographics and other change processes may have had an impact on the needs for CLD in your area, and equally on the partners you work with to deliver CLD locally.

Q. What kind of data might be useful when meeting the requirements of the CLD Regulations?

Examples might include (but are not limited to):

Quantitative:

- SIMD
- Data from the 2011 Census
- Crime figures
- Local employment trends
- College participation data
- Local volunteering data
- Health statistics
- Welfare statistics including levels of sanction
- School attainment/ achievement data and leaver destinations
- Minority or marginalised groups, for example ESOL learner data

Qualitative:

- Existing community audits (if these are still current – see FAQ on reusing material gathered for the SOA)
- Recent community consultations or surveys carried out by partners
- Evaluative feedback from young people, adult learners, community groups
- Recent feedback from community forums, youth councils, MSYPs etc
- Self-evaluation (individual and joint)
- Strengths and areas for improvement highlighted by HMI learning community inspections

Q. Could you give more detail on the community needs assessment process required by the CLD Regulations?

CLD practitioners have always worked from the principle that “The foundation of CLD delivery is an assessment - in partnership with learners and communities - of needs, strengths and opportunities” (CLD Strategic Guidance, p.5). We therefore anticipate that the majority of local authority areas, if not all, are well versed in conducting community needs assessment. We would expect that that an improvement plan has been developed if this has been identified as a weakness.

Engaging with communities is an ongoing process and not a one-off event, and it is likely that you will already have a variety of mechanisms available to draw on. Once you have audited these mechanisms with partners and communities, you will be aware of strengths and any gaps, and can act to build on the one and address the other.

- What do you and your partners already do to identify need?
- Who do you talk to and why? Do you work with all relevant agencies and groups?
- Does area profiling suggest other useful audiences?
- Do you support participants effectively?

- What impact do current forms of engagement have?
- What do you need to do differently?

For examples of how some Scottish local authorities are approaching this aspect of the CLD Regulations, see [a recent workshop from CLDMS conference 2014: Assessing need for CLD – local approaches](#).

There is a wide range of useful resources to support this aspect of the CLD Regulations, including:

- [The National Standards for Community Engagement](#)
- [Visioning Outcomes in Community Engagement](#).
- Material from [The Scottish Coproduction Network](#) supports the changing the relationship of learners and communities with services from one of dependency to genuine control.
- [Building Stronger Communities: A practical assessment and planning tool for community capacity building](#)
- [Action Research by, in and for Communities \(ARC\) is a practical; guide to community led action research](#)
- [Making Community Participation Meaningful - a handbook for development and assessment](#)

You may also find the guidance document [What are the barriers to efficient and adequate community learning provision in our area?](#) useful.

Q. What sort of evidence of the impact of community involvement would Education Scotland expect to see via an Aspect Review or as part of the inspection process?

Examples might include (but are not limited to):

- Clear evidence of community involvement and an evaluation of effectiveness
- Evidence of meaningful learner involvement in planning groups
- Evidence of feedback from community consultations influencing the final plan (eg *You said, We did* responses)
- Endorsement and ‘sign up’ from local community forums and/ or anchor organisations as implementation partners
- Impacts on learners and communities as a result of plan

Q. Can you provide some examples of what you mean by ‘community assets’?

While community assets can be buildings or land - community centres, sports facilities, libraries, allotments etc - they will also include the skills and knowledge of members of the community, the strength and influence of local organizations/ associations, and the connections and partnerships within communities and with service providers.

Q. Why are we being asked to specify “any needs for CLD which will not be met within the period of the plan”? Does this leave us vulnerable to criticism?

Education Scotland recognises that good educational practice will stimulate additional need for learning or interventions/ actions as confidence increases, horizons broaden and supplementary areas of interest are identified.

Each agency in a local partnership will be working within their own human and financial resource constraints and to certain priorities according to their own policy context, at both national and local level. There will therefore have to be a certain level of prioritisation in meeting the collective identified needs of any area. This element of the CLD Regulations is designed to ensure transparency for all engaged in the process, so that consultees can see that their contribution was heard and understand how decisions were taken.

While the primary driver behind the publication of unmet needs is transparency, the creation of a local-authority wide process and plan should create strong evidence to support additional funding bids in a range of contexts.

We recognise that both needs and priorities change and may not remain the same throughout the duration of the three year plan. As with community engagement, the identification of unmet need and prioritisation of resources are ongoing processes.

Q. Who should be involved in the process to meet the requirements of the CLD Regulations?

Section 3.11 of [The Strategic Guidance for Community Planning Partnerships: Community Learning and Development](#) list partners with a key contribution to make to CLD. Others might include Job Centre Plus, local employers, regeneration companies, trade unions, the police, community safety services, social work services, community councils etc.

Q. Is there a national template for CLD plans?

No. As long as it incorporates the requirements laid out in the legislation, it is up to each area what material is included and whether the plan is a stand-alone document or forms part of a wider planning process.

Your plans should be both accessible and comprehensible to all stakeholders, including local communities. While we anticipate all plans will be available online, you will also want to think about how people who are not online can access your plan. Other useful information can be found in section 6.8 of the [Guidance for Local Authorities](#).

Q. 1st September 2015 is very close. Is there any leeway in producing the plan?

The legislation states 1st September 2015. This date cannot be altered and your plan must be published by this date.

The CLD Regulations were developed in discussion with the CLD sector over a period and formally consulted on in 2013. They were signed in May 2013, giving a reasonable period of time to have engaged partners and communities around the requirements.

The CLD Regulations require the development of both a process to secure the delivery of adequate and efficient CLD provision within the boundaries of the local authority area and a three year plan. The process required by regulations 2 and 3 informs and underpins the plan required by Regulation 4.

We envisage the CLD regulations as part of a developmental cycle, and expect that you will use the time that you have available to set in place the best possible process to meet the requirements. Where elements of the process are incomplete or require further work, you should as a minimum include them in the three year plan as actions with both associated timescales and sufficient justification for the delay in meeting the requirements.

Q. How can I find out more about the Local Area Network in my area?

Some general information can be found [here](#). The Assurance and Improvement Plan for each local authority can be found [here](#).

Q. What support is Education Scotland offering to help us implement the CLD Regulations?

In addition to the various [materials](#) referred to above, Education Scotland has run over 20 support sessions reaching nearly 300 people. Local authorities can request support through their Partnership Agreement with Education Scotland or by contacting us directly. A request form for support (for use by partner organisations or local authorities) can be found on our [website](#).

We will be running several events around the CLD Regulations between now and September 2015 and have a programme of policy discussions planned with SG colleagues to ensure key partner professions are receiving coherent messages.

Q. We would like to learn more about how other areas of the country are approaching the Regulations. Who should we contact?

There is a lot of interest in sharing the practice developing around the CLD Regulations, and Education Scotland and CLD Managers Scotland are both creating opportunities to do this where possible, both through routine meetings and special events. The national voluntary sector umbrellas for CLD are also carrying out a range of activity around the CLD Regulations.

If you would like to showcase an aspect of what you are doing or access opportunities, please contact cld@educationscotland.gov.uk.

Q. Will we receive feedback from Education Scotland on the plans?

Local authorities are not required to submit their plans to Education Scotland, and we will not be offering formal feedback on them directly.

In order to gain a national picture of early progress, however, Education Scotland may carry out an Aspect Review of the process and planning required to meet the requirements of CLD Regulations within one year of the September 2015 deadline.

Education Scotland are currently at the early stages of considering future approaches to inspection and review. We are in discussion with a variety of stakeholders to explore what inspection might look like in three to five years' time to ensure that the future inspection model takes account of developments including the CLD Regulations, the CLD Strategic Guidance and the wider policy landscape.

The CLD plans are also likely to form part of the key documentation that HM Inspectors consider as part of the inspection process. As a consequence, opportunities to engage in professional dialogue and enquiry around the process may arise in both self-evaluation and during the inspection visit. Progress towards meeting the requirements will inform Education Scotland's collective knowledge of overall progress in each area.

Q. What are Education Scotland's expectations around benchmarking in CLD?

Benchmarking forms one aspect in the continuous improvement cycle. It should be viewed as one of a range of available tools and used where it will add value.

It is important that through each local authority area uses self-evaluation processes to identify where benchmarking opportunities, alongside other methods, would assist in aiding improvement. Benchmarking can take place within or between LA areas and across the full range of CLD contexts.

What will Local Area Networks do with the CLD plan? What sort of feedback should we expect from our LAN?

Education Scotland, along with other scrutiny and inspection bodies are in regular discussion with Audit Scotland about revisions to the annual Shared Risk Assessment Process that the LAN's contribute to. It is not known at present how the CLD Regulations will be encompassed in the work of the LAN's.