

EXCERPT OF MINUTE OF MEETING OF LEARNING AND LEISURE SERVICES COMMITTEE  
HELD ON 20 AUGUST 2013THE REQUIREMENTS FOR COMMUNITY LEARNING AND DEVELOPMENT (SCOTLAND)  
REGULATIONS 2013

23. With reference to paragraph 16 of the Minute of the meeting of this Committee held on 6 November 2012 when, *inter alia*, the Committee had noted (1) strategic guidance by the Scottish Government for community planning partnerships in respect of community learning and development, and the important role which community learning and development had to play in the delivery of public services, and (2) the Council's responsibility to update and develop the North Lanarkshire Community Learning and Development Partnership Strategy for the period 2013 to 2017 in light of the new strategic guidance, there was submitted a report (docketed) dated 22 July 2013 by the Head of Community Information and Learning (a) intimating that the Requirements for Community Learning and Development (Scotland) Regulations 2013 had been approved by the Scottish Parliament, with effect from 1 September 2013; (b) attaching, as Appendix 2 to the report, a copy of the Regulations; (c) outlining the legislative background to the Regulations; (d) advising that, under the terms of the Regulations, the Council, as an education authority, would be required (A) to initiate, maintain and facilitate a process by which community learning and development would be secured within North Lanarkshire in a way that 1) identified target individuals and groups; 2) had regard to the needs of those target individuals and groups for community learning and development; 3) assessed the degree to which those needs were already being met, and 4) identified barriers to the adequate and efficient provision of community learning and development; (B) to involve and consult people in the process, specifically those persons who were representative of target individuals and groups, and those providing community learning and development, and (C) to publish a three year plan, no later than 1 September 2015, specifying 1) how the Council would co-ordinate its provision of community learning and development; 2) the action it and other providers would require to take to provide community learning and development, and 3) any needs for community learning and development that would not be met; (e) confirming that work on the development of a North Lanarkshire Community Learning and Development Strategy for 2013-2017 was currently being carried out, and (f) outlining current arrangements for the prioritisation of youth work in North Lanarkshire for children aged 8 to 12 years.

**Decided:**

- (1) that the requirements of the Community Learning and Development (Scotland) Regulations 2013, as outlined in the report, be noted;
- (2) that it be noted that work was currently being carried out on the development of a North Lanarkshire Community Learning and Development Strategy for 2013-2017;
- (3) that the arrangements for the prioritisation of youth work for children aged 8 to 12 years be noted, and
- (4) that the report be referred to the Local Area Partnerships and Area Committees for their interest.

# AGENDA ITEM No. ....

NORTH LANARKSHIRE COUNCIL

## REPORT

To: LEARNING AND LEISURE COMMITTEE	Subject: SCOTTISH STATUTORY INSTRUMENT - "THE REQUIREMENTS FOR COMMUNITY LEARNING AND DEVELOPMENT (SCOTLAND) REGULATIONS 2013"
From: HEAD OF COMMUNITY INFORMATION AND LEARNING	
Date: 22 July 2013	Ref: BP/AA

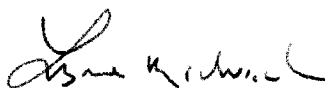
### INTRODUCTION

The purpose of this report is firstly to provide information to the Learning and Leisure Services Committee regarding the Scottish Statutory Instrument (SSI) "The Requirements for Community Learning and Development (Scotland) Regulations 2013" laid before Parliament on 31 May 2013, and secondly to outline the implications of the SSI for the Council.

### RECOMMENDATIONS

The Learning and Leisure Services Committee is asked to note:-

- (i) the requirements arising from the Scottish Statutory Instrument : The Requirements of the Community Learning and Development (Scotland) Regulations and in particular the requirement to publish a 3 year plan no later than 1 September 2015;
- (ii) the current on-going review and development of the North Lanarkshire Community Learning and Development Strategy 2013-2017; and
- (iii) the arrangements for prioritisation of Youth Work for children aged 8 – 12 years.



Members wishing further information on this report should contact:

Lizanne McMurrich, Head of Community Information and Learning on 01236 812338  
Barbara Philliben, Community Learning and Inclusion Manager on 01236 812526

## NORTH LANARKSHIRE COUNCIL – LEARNING AND LEISURE SERVICES

### SCOTTISH STATUTORY INSTRUMENT - “THE REQUIREMENTS FOR COMMUNITY LEARNING AND DEVELOPMENT (SCOTLAND) REGULATIONS 2013”

#### Report by Head of Community Information and Learning

#### 1. INTRODUCTION

The purpose of this report is firstly to provide information to the Learning and Leisure Services Committee regarding the Scottish Statutory Instrument (SSI) “The Requirements for Community Learning and Development (Scotland) Regulations 2013” laid before Parliament on 31 May 2013, and secondly to outline the implications of the SSI for the Council.

#### 2. BACKGROUND

##### 2.1 Strategic Guidance for Community Planning Partnership: Community Learning and Development

In November 2012, the Learning and Leisure Services Committee was advised of the publication by the Scottish Government, of Strategic Guidance for Community Planning Partnerships: Community Learning and Development which set out the following:-

- the clearly defined purpose of community learning and development;
- that community learning and development should be defined as a consistent central element of public services; and
- that community planning partnerships and local authorities shall provide leadership and direction in its implementation.

The 2012 guidance built upon previous guidance produced in 2004 and 2008.

In March 2013, the Scottish Government carried out a consultation on a Draft Scottish Statutory Instrument (SSI) for Community Learning and Development and in so doing signalled its intention to achieve the following policy goals:

- communities across Scotland, particularly those who are disadvantaged, have access to the Community Learning and Development support they need;
- communities across Scotland are able to express their needs for Community Learning and Development provision; and
- community planning partnerships, local authorities and providers of public services more generally respond appropriately to the expectations set by the Community Learning and Development Strategic Guidance.

Learning and Leisure Services submitted a response to this consultation, a copy of which is attached as appendix 1 for the information of members.

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

Set within the context of perceived weaknesses in the legislative framework for Community Learning and Development, in comparison to other elements of public services, the SSI is subordinate legislation established under the powers granted by primary legislation, in this case Section 1 of the Education (Scotland) Act 1980 whereby education authorities provide community education as part of the exercise of their duty to secure adequate and efficient provision of “further education”.

Section 1 of the Act empowers education authorities to provide voluntary courses of instruction for persons over school age and social activities and training either as voluntary organised activities designed to promote the educational benefits of persons taking part therein or as part of a course of instruction.

The Requirements for Community Learning and Development (Scotland) Regulations 2013 will come into force on 1<sup>st</sup> September 2013. This will require the education authority to initiate, and having done so, maintain and facilitate a process by which Community Learning and Development is 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 the Community Learning and Development;
- 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.

In exercising these requirements the education authority is required to take action to involve and consult people in the process specifically persons who are representative of:-

- target individuals and groups; and
- those providing community learning and development

The SSI also requires that the education authority publishes a 3 year plan, no later than 1 September 2015, which must specify the following:

- how the authority will co-ordinate its provision of Community Learning and Development;
- the action it and other Community Learning and Development providers will take to provide Community Learning and Development; and
- any needs for Community Learning and Development that will not be met.

A copy of the statutory instrument is contained in appendix 2 of this report.

### **3. CONSIDERATIONS**

#### **3.1 The North Lanarkshire Approach**

Learning and Leisure Services in conjunction with its Community Learning and Development partners, is well placed to respond effectively to the requirements of the SSI. Work is already underway on the development of the Community Learning and Development Strategy for 2013 – 2017. The Strategy will embrace the required outcomes contained within the strategic guidance and will further build on long standing community learning and development approaches of early intervention.

The financial pressures coming from the requirement to deliver budget savings has, and continues to, impact on the provision of Community Learning and Development Services in North Lanarkshire. However, to date, management reconfigurations and service reviews and more specific targeting of services has served to minimise adverse impact on the most vulnerable people, families and communities in North Lanarkshire.

Targets set within the council's performance framework and Single Outcome Agreement require the Community Learning and Development service to regularly review and adjust provision to ensure targets are achieved and budget savings are achieved.

In particular the service has completed its annual review of learning programmes delivered primarily in the evening across the six localities. Linked to the requirements to achieve targets and budget efficiencies, the priorities for youth work provision will continue to be set within the context of accredited learning for 12 – 18 years as set out in 'Going the Extra Mile', North Lanarkshire's Youth Strategy (2009-2012) and the Youthlink Scotland 'Statement on the Nature and Purpose of Youth Work' (2009). Current identified priorities for youth work in North Lanarkshire include: youth accreditation opportunities such as Duke of Edinburgh Award and Dynamic Youth support for young people not in positive destinations via 16+ Activity Agreement Learning Hubs, youth participation and empowerment opportunities such as locality based Youth Fora, and support for vulnerable groups such as young parents and young people involved in youth offending.

Previously offered accredited learning for 8 - 12 year olds will remain. Work with younger children which was predominately play based activity will be phased out over the next session. Children under 8 who currently participate in these activities will continue to access Community Learning and Development services with a focus on achieving North Lanarkshire Challenge Awards.

#### **4 RECOMMENDATIONS**

The Learning and Leisure Services Committee is asked to note:-

- (i) the requirements arising from the Scottish Statutory Instrument : The Requirements of the Community Learning and Development (Scotland) Regulations and in particular the requirement to publish a 3 year plan no later than 1 September 2015;
- (ii) the current on-going review and development of the North Lanarkshire Community Learning and Development Strategy 2013-2017; and
- (iii) the arrangements for prioritisation of Youth Work for children aged 8 – 12 years.

## CONSULTATION QUESTIONS

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

North Lanarkshire Council Community Learning and Development Service supports the proposal for an SSI and thinks that it will help strengthen the legislative basis for CLD. It ought to help strengthen the role of Community Learning and Development in achieving national outcomes and encourage all partners to recognise and support this contribution by creating a clearer framework of accountability.

We generally welcome the emphasis on the need to identify target individuals and groups, but would urge that authorities be permitted to interpret this to include the targeting of broad sections of the population when this contributes to the achievement of national and local outcomes.

We particularly welcome the fact that the draft mandates the Education Authority to initiate, maintain and facilitate a process by which CLD is secured, and that it is required to publish a three-year partnership plan.

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

Yes  No

If yes - What are they?

- The definition of Community Learning and Development.
- The requirement for co-ordination.
- Link to Community Planning.

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

**Definition:** The definition of CLD should be fuller, with a clearer link to the 2012 Strategic Guidance for Community Planning Partnerships. It should be made clear that CLD can 'include' the full range of work envisaged in that Guidance, which may not be fully captured by this definition. It should refer to 'communities' as well as 'individuals and groups'. That amendment should also be made to the definition of 'target individuals (etc.)'.

**Co-ordination:** The expectations for co-ordination should be more clearly stated. The plan should specify how *all* bodies will co-ordinate their provision, rather than how 'the education authority will co-ordinate its provision ... *with* other bodies'. For the same reason this requirement should refer to the education authority co-ordinating '*the*' provision of CLD not '*its*' provision. However, we appreciate that the SSI may not be

empowered by the 1980 Education (Scotland) Act to do so.

We would argue that there should be a requirement on all bodies receiving public funding for CLD services to co-operate; however, we recognise that this may fall outwith the scope of the legislation. We note that the proposed changes to legislation on Community Planning and on Community Empowerment and Renewal may provide opportunities to strengthen this broader expectation.

**Community Planning:** Whilst we appreciate that it is not possible to include statutory duties on Community Planning Partnerships in this particular piece of legislation, we are anxious to see the link between the process mandated in these Regulations and Community Planning being made clear. The CLD plan should specify how it will contribute to the objectives of the Community Planning Partnership and how Community Planning partners will support its delivery.

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S C O T T I S H   S T A T U T O R Y   I N S T R U M E N T S

2013 No. 175

EDUCATION

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

<i>Made</i>	<i>29th May 2013</i>
<i>Laid before the Scottish Parliament</i>	<i>31st May 2013</i>
<i>Coming into force</i>	<i>1st September 2013</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2 of the Education (Scotland) Act 1980(1) 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 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.

**Assessment of community learning and development needs**

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 take such action as it thinks fit with a view to securing that the following persons are involved in and consulted on the process—

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

#### **Three year plan**

4.—(1) An education authority is required to publish a 3 year plan containing the information specified in paragraph (2) no later than—

- (a) 1st September 2015; and
- (b) each third year after the date of publication of the previous plan.

(2) The plan must specify—

- (a) how the education 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;
- (b) what action the education authority will take to provide community learning and development over the period of the plan;
- (c) 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
- (d) any needs for community learning and development that will not be met within the 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 persons providing community learning and development within the area of the education authority; and
- (c) such other persons as the education authority thinks fit.

*AILEEN CAMPBELL*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
29th May 2013

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These 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 (defined in regulation 1) secured within the education authority's area.

Regulation 2 sets requirements in relation to the process to be undertaken by the education authority in securing community learning and development. The education authority is obliged to involve and consult certain representative persons in carrying out that process (regulation 3).

Regulation 4 requires that education authorities publish plans every 3 years containing information about the provision of community learning and development.

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- (1) 1980 (c.44). Section 2 was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c.39), section 69 and the Education (Scotland) Act 1996 (c.43), Schedule 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).