Community Empowerment (Scotland) Act 2015

Evaluability assessment of Parts 3 and 5: participation requests and asset transfer requests

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Abbreviations

ATR	Asset Transfer Request
COSS	Community Ownership Support Service
DTAS	Development Trusts Association Scotland
EA	Evaluability assessment
PR	Participation Request
PSA	Public Service Authority
RA	Relevant Authority
SHS	Scottish Household Survey
SSAS	Scottish Social Attitudes Survey

Glossary

Assets

An asset is something that has value to someone. In relation to Asset transfer under the Community Empowerment (Scotland) Act 2015 it means land and any buildings or other structures on the land, like bridges, walls or piers. It does not include vehicles or equipment.[1]

Asset Transfer Requests

Asset transfer is a process that allows a community organisation to take over ownership, lease or other rights of publicly-owned land or buildings, in a way that recognises the public benefits that community use will bring. It is not a new process, but what Part 5 of the Community Empowerment (Scotland) Act 2015 does is to give 'Community Transfer Bodies' (see below) a **right** to be allowed to request to buy, lease or make use of assets owned (or leased) by certain public sector bodies (defined under the Act as 'Relevant Authorities').[2]

Community or communities

In the context of Parts 3 and 5 of the Act, a community can be any group of people who feel they have something in common. In many cases it is that they live in the same area. However, it can also be that they share an interest or characteristic. Communities of interest could include faith groups, ethnic or cultural groups, people affected by a particular illness or disability, sports clubs, conservation groups, clan and heritage associations, etc.[3]

Community Controlled Body

A Community Controlled Body is defined under Section 19 of the Community Empowerment (Scotland) Act 2015. Community Controlled Bodies can submit a Participation Request under Part 3 of the Act.

A Community Controlled Body can be incorporated or unincorporated, but it is required to:

- have a written constitution
- define the community to which it relates
- comprise members mainly from that community
- be controlled by its membership
- be open for membership by any member of the defined community
- have clear aims and purpose including promotion of benefit to the community.

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[1] Scottish Government (2017) Asset Transfer Guidance
[2] Ibid.
[3] Ibid.

Community empowerment

The Scottish Community Empowerment Action Plan describes community empowerment as: 'a process where people work together to make changes happen in their communities by having more power and influence over what matters to them'.[4]

Community Empowerment (Scotland) Act 2015

The Community Empowerment (Scotland) Act 2015 was passed in July 2015.[5] Its aim is to empower community bodies through the ownership or control of land and buildings, and by strengthening their voices in decisions about public services. The Act comprises 12 parts covering a number of different topics. These include Community Planning, Community Right to Buy, Participation Requests and Asset Transfer Requests. Different parts of the Act are coming into effect at different times.

Community Participation Body

A Community Participation Body is defined under Section 20 of the Community Empowerment (Scotland) Act 2015. Under Part 3 of the Act a Community Participation Body can submit a Participation Request to a Public Service Authority (see below) with a view to participating in an outcomes improvement process.

A Community Participation Body can be a Community Controlled Body, a community council or a community body or group.

Community Transfer Body

Community Transfer Bodies are defined under Section 77 of the Community Empowerment (Scotland) Act 2015. Under Part 5 of the Act a Community Transfer Body can make an Asset Transfer Request to a Relevant Authority.

A Community Transfer Body can be a Community Controlled Body, or a body designated by the Scottish Ministers.

Disadvantaged community

For the purposes of the evaluability assessment, disadvantaged communities are described as communities of place and/or of interest or identity experiencing inequalities of outcomes which impact on their quality of life. These may include socio-economic inequalities and/or the inequalities or disadvantages that may arise where people experience, or are at risk of experiencing, discrimination or exclusion due to, for example, prejudice or other barriers put in their way.

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[4] Scottish Government (2009) Scottish Community Empowerment Action Plan - Celebrating Success: Inspiring Change
[5] Community Empowerment (Scotland) Act 2015

Evaluability assessment

Evaluability assessments are a way of thinking through whether and how to assess the impacts of policies, programmes or interventions. They are a way of weighing up the costs and benefits of an evaluation in advance so that the evaluations that organisations undertake are more useful.

Outcome Improvement Process

Under Part 3 of the Act (Participation Requests), Community Participation Bodies can submit a request to a Public Service Authority, to participate in an Outcome Improvement Process. This is a process aimed at improving public service outcomes. An outcome is the change that results from what an organisation provides or delivers.[6]

Participation Requests

Under Part 3 of the Community Empowerment (Scotland) Act 2015, Community Participation Bodies can make a request to certain public bodies (defined under the Act as a 'Public Service Authorities') to take part in decisions and processes with a view to improving a public service outcome. Participation Requests are a way for communities to have a greater role in how services are designed and provided.

Public service

A public service is a service provided to the public by, or on behalf of, a Public Service Authority.

Public Service Authorities

Participation Requests are made to 'Public Service Authorities'. These are defined under Section 21 of the Community Empowerment (Scotland) Act 2015 and listed under Schedule 2. Those listed include NHS Health Boards, Local Authorities, Police Scotland, Scottish Fire and Rescue Service, Scottish Natural Heritage etc. These public bodies are included as Public Service Authorities for the purposes of Participation Requests because they are involved in providing or supporting local services.

Relevant Authority

Asset Transfer Requests are made to 'Relevant Authorities'. These are defined under Section 78 of the Community Empowerment (Scotland) Act 2015 and listed under Schedule 3. Those listed include NHS Health Boards (including National Health Boards), Local Authorities, Police Scotland, Scottish Fire and Rescue Service, Scottish Courts and Tribunals Service, Scottish Ministers, Scottish Water, etc. They are included as Relevant Authorities in relation to Asset Transfer Requests because they own significant amounts of land. Some

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[6] Scottish Government (2017) Participation Requests Guidance

of the same bodies are also 'Public Service Authorities' for the purposes of Participation Requests (Part 3 of the Act).

Executive summary

The Community Empowerment (Scotland) Act 2015 was passed in July 2015. Over the period autumn 2016 – spring 2017, the Scottish Government, with support from NHS Health Scotland and What Works Scotland, University of Glasgow, undertook an evaluability assessment. Its purpose was to assess the feasibility of evaluating Parts 3 and 5 of the Act, prior to developing an evaluation and monitoring framework. Part 3 concerns Participation Requests (PRs), and Part 5 Asset Transfer Requests (ATRs). Different parts of the Act will come into force at different times, and the Scottish Government and partners will work to develop the necessary secondary legislation and guidance, and evaluate these as appropriate.

PRs provide a way for communities (of place, common interest, shared characteristic or identity) to become more proactively involved in how public services are delivered. PRs are not intended to replace existing engagement and participation processes between communities and public sector organisations that are working well, but they give community bodies a **power** to initiate dialogue and a **right** to have their views properly considered.

Asset transfer is a process that allows a community organisation to take over ownership, lease or make use of publicly owned land or buildings, to achieve the public benefits that community use may bring. It is not a new process, but the Act introduces a right for 'Community Transfer Bodies' to request an asset transfer from 'Relevant Authorities' (as defined in the legislation), even where the public body has not indicated that they would like to dispose of an asset.

Participants in the evaluability process included:

- Scottish Government analysts
- policy officials, primarily from the Scottish Government Public Bodies and Public Service Reform Division and with responsibility for development and implementation of Parts 3 and 5 of the Act
- representatives from the Improvement Service and Audit Scotland.

Over the course of four workshops and an additional prioritisation exercise, a theory of change was developed for these two parts of the Act, describing the top level strategic outcomes it was anticipated that each would contribute toward. These theories of change informed the development of five overarching evaluation questions:

1 Whether, how and to what extent, are these two parts of the Act being implemented as intended in the legislation and guidance?

2 To what extent does implementation of Part 3 of the Act (Participation Requests) improve dialogue between communities and Public Service Authorities, engagement and relationships, and with what potential contribution to improved public services?

3 To what extent does implementation of Part 5 of the Act (Asset Transfer Requests) result in more assets being transferred to community ownership, control and use, and with what potential contribution to improved access to transferred services and facilities?

4 What is the pattern of take-up and use of Part 3 and Part 5 of the Act among different community groups (of area, shared characteristic or interest)? What are the potential implications of these patterns for local inequalities of outcome?

5 Whether, how, and to what extent do communities feel more empowered as a result of the take up and use of Parts 3 and 5?

Consideration was given to how to demonstrate impact or effectiveness but, because of the difficulties of trying to construct a robust comparator group, it was concluded that it may only be possible to capture some of the shorter term and direct outcomes of the legislation, such as those relating to uptake. It may, however, be possible to identify plausible or potential links between implementation and more intermediate or longer-term outcomes.

Three main sources of data were identified:

Administrative Data – The legislation requires Public Service Authorities and Relevant Authorities to collect and publish data on individual PR and ATR applications and their outcomes as well as annual reports summarising activity over the year. The annual reports will include information on the actions taken by these public bodies to promote the use of these provisions. The applications, outcome reports, decision notices and annual reports are, therefore, a potentially rich source of information to address some of the evaluation questions.

National Survey Data – Both the Scottish Household Survey (SHS) and Scottish Social Attitudes Survey (SSAS) collect potentially relevant data for tracking national trends over time. The SHS, for example, collects data on perceptions of local public services, local authority performance and whether people feel they can influence local authority decisions. However, limitations such as only covering a minority of the Public Service or Relevant Authorities defined by the Act; and restrictions on the ability to analyse data down to the level of local communities mean these data sources are mainly of value for providing contextual information.

Primary Research – A further potential source of data would be to undertake primary research to capture more in-depth and focussed evidence than is possible from either the routine administrative or survey data sources. A case-study approach could be adopted, using qualitative and/or quantitative methods to capture awareness and attitudes towards the provisions in the Act; perceptions of changes to relationships, public services, sense of empowerment, etc. This would be required to answer many of the evaluation questions which cannot be addressed by the administrative data.

Based on the assessment of the data sources to address the evaluation questions, a combination of evaluation studies was recommended:

- a process evaluation of implementation
- analysis of routinely collected administrative data in relation to Participation Requests and Asset Transfer Requests
- analysis of national survey data such as the Scottish Household Survey and Scottish Social Attitudes Survey, for contextual information.

1. Introduction and background

1.1 Introduction

The Community Empowerment (Scotland) Act 2015 (subsequently referred to here as 'the Act') became an Act of the Scottish Parliament in July 2015. The aims of the Act are to 'provide a framework that will empower community bodies through the ownership of land and buildings and strengthen their voices in the decisions that matter to them'.[7]

The Act seeks to do this both by strengthening or extending existing processes (e.g. Asset Transfer Requests, Community Right to Buy) and through the introduction of new provisions (e.g. Participation Requests).

Given the complexities of assessing whether, how and for whom the Act achieves its objectives, the Scottish Government, with support from NHS Health Scotland and What Works Scotland, University of Glasgow undertook an evaluability assessment (EA), focusing on two parts of the Act: Part 3 – Participation Requests, and Part 5 – Asset Transfer Requests.

EAs are a collaborative approach to working through whether and how to assess the impacts of policies, programmes or interventions, so that the evaluations that are undertaken are more useful.[8] The purpose of this EA was to support the Scottish Government to assess the feasibility of evaluating these two parts of the Act before developing a detailed evaluation and monitoring framework. The evaluation and monitoring framework will contribute to the statutory duty to review and report on Part 3 of the Act within three years[9] as well as a commitment to review how the Act is supporting community empowerment.

The EA was undertaken over the period autumn 2016 to spring 2017. The report presents a summary of the EA process and recommendations. The remainder of this chapter sets out the background to the Act and the EA process. Chapters 2 and 3 describe the development of the theories of change for Participation Requests and Asset Transfer Requests. Because of the degree of commonality between these two parts of the Act, the core evaluation questions and potential data sources for both parts of the Act are set out in chapter 4 and evaluation options proposed in chapter 5. The conclusions and recommendations are presented in chapter 6.

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[7] Community Empowerment (Scotland) Act 2015 Explanatory Note, Overview, p1/para 3
[8] Craig, P. and Campbell, M. (2015) *Evaluability Assessment: A systematic approach to deciding whether and how to evaluate programmes and policies*, Edinburgh: What Works Scotland
[9] Community Empowerment (Scotland) Act 2015; Section 33

1.2 The Community Empowerment (Scotland) Act 2015

The Act developed from the 2011 SNP manifesto commitment which proposed a Community Empowerment and Renewal Bill which would 'give local people a greater say in their area, enabling them to deal more easily with derelict and eyesore properties and take over underused or unused public buildings for the benefit of their community'.[10] An exploratory consultation on the Bill was held between June and September 2012. This identified areas requiring a legislative response, and those that could be addressed in other ways. A second, more detailed, consultation on the Community Empowerment (Scotland) Bill was held between November 2013 and January 2014. The Bill was subsequently published in June 2014, becoming an Act of the Scottish Parliament in July 2015.

Comprising 12 parts (see summary in Appendix 1), the Act is based on the principles of subsidiarity (social and political decisions are taken at as local a level as possible), community empowerment and improving outcomes.

Two parts of the Act are the focus of the EA: Part 3 - Participation Requests; and Part 5 - Asset Transfer Requests.

Participation Requests provide a way for communities (of place, common interest, shared characteristic or identity) to become more proactively involved in how public services are delivered. They involve 'Community Participation Bodies' making a request to a 'Public Service Authority' (see Glossary for definitions of these terms) to take part in a process aimed at improving public service outcomes. This part of the Act is seen as a way of providing a legislative framework to support community participation in setting priorities and in the design and delivery of local services. It is not intended to replace existing engagement and participation processes between communities and Public Service Authorities that are working well, but it gives community bodies a **power** to initiate dialogue and a **right** to have their views properly considered.

Asset transfer is a process that allows a community organisation to take over ownership or lease of publicly owned land or buildings, to achieve the public benefits that community use may bring. It is not a new process – many local authorities operate asset transfer schemes in relation to property they would like to dispose of and believe may be suitable for community use. What the Act introduces is a **right** for 'Community Transfer Bodies' to be allowed to request to buy, lease or make use of land or buildings owned (or leased) by certain public sector bodies (defined in the legislation as 'Relevant Authorities'), that they feel they could make better use of, even where the public body has not indicated that they would like to dispose of the asset.[11]

The EA of these two parts of the Act emerged from initial discussions between the Scottish Government, NHS Health Scotland and What Works Scotland, University of Glasgow, and reflected the interests of the stakeholders involved. In addition to providing a way of assessing the evaluability of these parts of the

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[10] Scottish National Party Manifesto 2011
[11] Scottish Government (2017) Asset Transfer Guidance

Act, the process provided a way for exploring the potential utility of the EA approach more generally to inform Scottish Government evaluation and monitoring plans. Undertaken at an early stage of implementation of these two parts of the legislation, the EA process also helped to identify areas where reporting requirements could potentially be strengthened.

1.3 The evaluability assessment

EAs are a systematic way of thinking through whether and how to evaluate new policies, programmes or interventions. They provide an opportunity to weigh up the value of an evaluation in terms of informing future decisions against the potential costs and feasibility of collecting the evidence.[12]

EAs comprise a number of stages:

1 Develop an initial theory of change.
   This maps out the links, or logic, between the desired outcomes (short, intermediate and long term) and the mechanisms through which these outcomes will be achieved. It also provides an opportunity to identify potential external factors that might impact positively or negatively on implementation and outcomes, and also the potential unintended consequences (again, positive and negative).

2 Agree key evaluation questions.

3 Identify data and evidence sources which may help to assess whether or not and for whom (and how) the desired outcomes are achieved.

4 Develop and appraise evaluation options to inform recommendations.

The EA for Participation Requests (PRs) and Asset Transfer Requests (ATRs) ran in tandem. The process (see Figure 1 for a summary) involved four two-hour workshops; a prioritisation exercise and email discussion and feedback on the draft report. Contributors to the workshops and report drafts included Scottish Government analysts; Policy officials primarily from the Scottish Government Public Bodies and Public Service Reform Division and with responsibility for development and implementation of Parts 3 and 5 of the Act; representatives from the Improvement Service and Audit Scotland. The process was facilitated by NHS Health Scotland and What Works Scotland, University of Glasgow (see Appendix 2 for a list of workshop contributors).

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[12] Craig, P. and Campbell, M. (2015) Evaluability Assessment: A systematic approach to deciding whether and how to evaluate programmes and policies, Edinburgh: What Works Scotland
For examples of the application of Evaluability Assessments to interventions in Scotland see:
Beaton, M. et al (2014) Evaluability Assessment of Free School Meals for all children in P1 to P3, Edinburgh: NHS Health Scotland
Wimbush, E. et al (2015) Evaluability Assessment of the Family Nurse Partnership in Scotland, Edinburgh: NHS Health Scotland

Figure 1: Summary of EA process for Parts 3 and 5 of the Act

Workshop 1: 6 October 2016

- Introduction to the EA process

- Discussion and agreement on which two parts of the Act, initially, should be subject to an EA

- Development of a preliminary theory of change for each of the two parts of the Act selected

Workshop 2: 6 December 2016

- Recap on the EA process for new participants

- Further development of the two draft theories of changes for Parts 3 and 5 of the Act

- Early consideration of potential routine data sources

Workshop 3: 1 February 2017

- Further fine tuning of the theories of change

- Clarification of terms used in the theory of change

- Consideration of positive and negative unintended consequences and external influences

- Early consideration of the evaluation questions and data sources

Workshop 4: 20 February 2017

- Finalising the evaluation questions and data sources

- Identifying evaluation options

- Agreeing next steps

Scottish Government prioritisation process: 1 March 2017

- Development of simplified theories of change focusing on top-level strategic outcomes

Report drafting: March to July 2017

- Preparation of draft report, with input from workshop participants and other key stakeholders

During the EA discussions, reference was made to public sector and public bodies more broadly. However, in order to reflect the language used in the Act, we use the term Public Service Authority (PSA), when referring to the public sector bodies to whom Participation Requests can be made. Similarly, we use the term Relevant Authority (RA) when referring to the public sector bodies to whom Asset Transfer Requests can be made.

2. Participation Requests (Part 3 of the Act): Theory of Change

2.1 Participation Requests (PRs)

The process for Community Controlled Bodies or Community Participation Bodies to submit a PR to a Public Service Authority is set out in Part 3 of the Act (see Glossary for definitions of these terms). This enables communities to request to participate in decisions and processes that are aimed at improving public service outcomes. The accompanying guidance describes how PRs can broadly be divided into four categories:

- To help people start a dialogue about something that matters to their community, through highlighting needs, issues or opportunities for improvement.

- To help people have their voice heard in policy and service development, through contributing to decision-making processes.

- To help people to participate in the design, delivery, monitoring or review of service provision, through contributing to service change or improvement.

- To help people challenge decisions and seek support for alternatives which improve outcomes.[13]

In making their request, the Community Participation Body has to explain why it wishes to be involved in the outcomes improvement process, what it can bring and what improvements it expects to achieve. It is expected that the Public Service Authority will agree the request unless there are reasonable grounds not to.

In agreeing a request, the authority needs to take into account the reasons set out in the PR, and also whether agreeing is likely to promote or improve the following areas:

- Economic development

- Regeneration

- Public health

- Social or environmental wellbeing

- Reduce the inequalities of outcomes that arise from socio-economic disadvantage or increase the participation of people experiencing socio-economic disadvantage

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[13] Scottish Government (2017) Participation Request Guidance

- Outcomes for those who may be disadvantaged on the basis of age, disability, sex, gender identity or gender reassignment, race, religion or sexual orientation

- Any other benefits or matters that the authority considers relevant

The Public Service Authority must write a report on each outcome improvement process that results from a Participation Request. This report should include:

- a summary of the outcome of the process

- whether the outcomes to which it related have been improved

- how the Community Participation Body that made the PR influenced the process and outcome

- how the authority aims to keep the Community Participation Body informed if there are changes in the outcomes, or other relevant issues.

In addition to preparing reports in relation to each outcome improvement process, Public Service Authorities are also required to produce an annual report summarising, for the 12-month period April to March:

- the number of requests received

- the number of requests agreed and refused

- the number of requests which resulted in changes to a public service provided by, or on behalf of, the Public Service Authority

- any action taken by the Public Service Authority to promote and support the use of PRs.

This part of the Act and associated Regulations came in to effect on 1 April 2017.[14] Public Service Authorities are required to publish their annual reports each June, beginning June 2018. Scottish Ministers are required to produce a report on the operation of PRs within three years of this part of the Act in coming into force. The development and implementation of an evaluation and monitoring framework based on the EA will help to generate evidence to inform this report.

2.2 Development of a theory of change for Participation Requests (Part 3 of the Act)

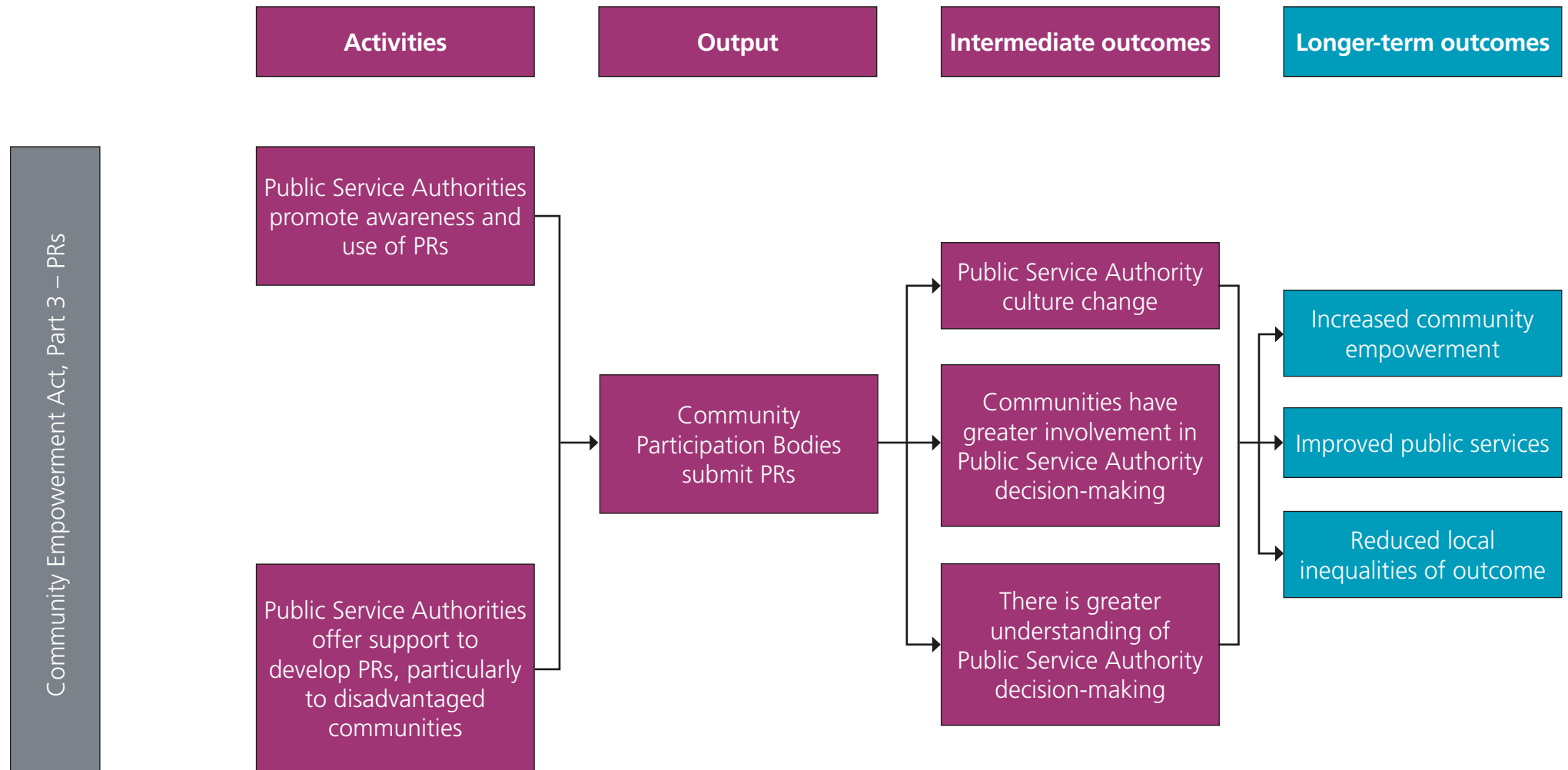An initial, detailed theory of change was developed and revised over the course of the four workshops. This identified a total of 15 activities, outputs and anticipated outcomes (see Appendix 3). For the purposes of the EA this was

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[14]Participation Request (Procedure) (Scotland) Regulations (2017)

subsequently refined to focus on the top level strategic activities, outputs and outcomes (Figure 2).

Figure 2: Theory of Change for Part 3 of the Community Empowerment (Scotland) Act 2015 – Participation Requests (PRs)

	Activities	Output	Intermediate outcomes	Longer-term outcomes

Community Empowerment Act, Part 3 – PRs

Public Service Authorities promote awareness and use of PRs

Public Service Authorities offer support to develop PRs, particularly to disadvantaged communities

Community Participation Bodies submit PRs

Public Service Authority culture change

Communities have greater involvement in Public Service Authority decision-making

There is greater understanding of Public Service Authority decision-making

Increased community empowerment

Improved public services

Reduced local inequalities of outcome

There are a couple of key assumptions underpinning the theory of change, both of which would need to be considered in any evaluation of this part of the legislation:

- That communities, including disadvantaged communities, want to, and will engage in a dialogue with public bodies, and, where relevant, submit PRs.
- That participation leads to positive outcomes for individuals and communities.

Figure 3 summarises the rationale behind the theory of change.

Figure 3: Participation Requests (Part 3): Theory of change rationale

	Activities, outputs and outcomes	Rationale
	Activities	
1.	Public Service Authorities promote awareness and use of PRs	As PRs are a new provision it will be important to promote awareness of their existence and potential for use. The Act requires Public Service Authorities to report on what they have done to promote and raise awareness of PRs. It will be important to capture whether and how they do this.
2	Public Service Authorities offer support to develop PRs, particularly to disadvantaged communities	Public Service Authorities are required to promote and support the PR process particularly among more marginalised and disadvantaged communities. Without this support there is a risk of widening inequalities. It is, therefore, important to assess what support Public Service Authorities are providing in general, and to disadvantaged communities in particular.
	Outputs	
3.	Community Participation Bodies submit PRs	It is anticipated that, as a result of promoting awareness and providing support, PRs are submitted (where required). This is the key mechanism linking the Act and the anticipated outcomes. It will therefore be important to assess: the numbers of PRs submitted

	Activities, outputs and outcomes	Rationale
		(and whether accepted, refused, and the grounds for refusal); the outcomes which the community bodies wish to improve and the potential beneficiaries from this process; whether, which and why communities do (or do not) submit requests.
	Intermediate outcomes	
4.	Communities have greater involvement in Public Service Authority decision-making	PRs are intended to enhance existing community engagement and participation processes (where required), and ultimately lead to greater involvement of communities in Public Service Authority decision-making. It is therefore important to assess whether or not, why and how (and for which communities), PRs contribute to greater community engagement in Public Service Authority decision-making.
5.	There is greater understanding of Public Service Authority decision-making	It is anticipated that greater community participation in Public Service Authority processes, using mechanisms such as PRs, will lead to increased understanding of these processes. It is therefore of interest to assess whether and how PRs contribute to community understanding of Public Service Authority decision-making.
6.	Public Service Authority culture change	By giving communities the power to initiate dialogue with Public Service Authorities and the right to have their views considered, it is envisaged that PRs will help to build and encourage more equal relationships between communities and public bodies, normalising community and public body partnerships. It will be important to assess whether and how PRs do stimulate changes in the relationships between communities and Public Service Authorities.

	Activities, outputs and outcomes	Rationale
	Longer-term outcomes	
7.	Increased community empowerment	By giving communities the power to initiate dialogue with Public Service Authorities and the right to have their voices heard, it is anticipated that PRs will contribute to greater community influence over the decisions that matter to them. It will therefore be important to assess whether PRs as a process contribute to an increase in communities' capacity to influence Public Service Authority decision-making.
8.	Improved public services	An overarching aim of the Act, including Part 3, is to increase the pace and scale of public sector reform, leading to improvements in services resulting in better outcomes for communities. The assumption is that increased community involvement in decision-making can result in service improvement. It will therefore be important to assess not just whether and how PRs contribute to increased community engagement in outcome improvement processes, but also the potential for these processes to contribute to improvements in public services.
9.	Contribution to a reduction in local inequalities of outcome	It is envisaged that PRs may make a contribution to a reduction in local inequalities of outcomes through encouraging greater engagement between communities, particularly disadvantaged ones, and Public Service Authorities. This may contribute to more targeted, focussed and relevant services where they are needed most. One of the risks, however, is that PRs may contribute to an increase in inequalities, e.g. if there is greater take up by more advantaged communities. It will therefore be important to consider whether and what potential contribution PRs could make to local

Activities, outputs and outcomes	Rationale
	inequalities of outcome (e.g. if an outcomes improvement process results in a subsequent service change or development).

In addition to the desired outcomes from this part of the Act, Part 3 may also have unintended consequences (positive or negative). These might include:

- communities who previously engaged well with Public Service Authorities feeling or believing that they have to formalise this by submitting a Participation Request

- communities becoming disillusioned with the process if it is perceived to be poorly implemented or ineffective.

Implementation of Part 3 will also be within a dynamic local and national, social and political context. This may work to enhance or constrain the degree to which Part 3 achieves the desired outcomes. External factors that may have an impact on Part 3 could include:

- The parallel implementation of other parts of the Act, such as Part 2 (Community Planning) and Part 5 (Asset Transfer Requests). These could work to generate greater PR activity or could militate against the need to initiate a PR. In combination they could also contribute to 'engagement fatigue'.

- The proposed implementation of the socio-economic duty on public bodies. This may enhance the involvement of groups experiencing inequalities of outcomes due to socio-economic disadvantage, or it could militate against the need to use PRs to improve outcomes locally.

- Other initiatives aimed at localising democracy or democratic renewal. Again, these may contribute to greater PR activity, or militate against the need to make PRs.

- Regional planning, e.g. across the NHS may make participation more difficult for 'local' level communities.

- Economic constraints may limit both the capacity of Public Service Authorities to support engagement as well as constrain what can be achieved through an outcomes improvement process. Economic constraints may also impact on individuals' capacities to engage in community action.

3. Asset Transfer Requests (Part 5 of the Act): Theory of Change

3.1 Asset Transfer Requests (ATRs)

Asset transfer is not a new process, but what the Act introduces is a **right** for 'Community Transfer Bodies' to be allowed to request to buy, lease or make use of land or buildings owned (or leased) by certain public sector bodies (defined in the legislation as 'Relevant Authorities') (see Glossary for definitions of these terms). Rather than being a response to assets that have been closed or considered surplus by the Relevant Authority, the Act enables communities to identify for themselves which sites are important to them and best suit their needs. To help community bodies to identify assets that may be available through asset transfer, Section 94 of the Act requires Relevant Authorities to publish, maintain and make available a register of the land which to 'the best of its knowledge and belief' it owns or leases.

This shift in emphasis is based on the expectation that ownership, control or use of land and buildings will support communities to drive change and achieve their own goals, lead to better services matched to local needs, and better outcomes for communities. Through supporting the stability and sustainability of community bodies it may also help to create a stronger sense of community identity, cohesion and involvement.[15]

This part of the Act is also seen as way of ensuring consistent good practice across Relevant Authorities in handling ATRs.[16]

When making an ATR the Community Transfer Body has to set out its reasons for the request, the benefits of their proposal and the price it is prepared to pay. The expectation is that the Relevant Authority will agree to the request unless there are reasonable grounds for refusal.

In agreeing a request the authority needs to take into account the reasons for the request, and also whether agreeing is likely to promote or improve the following areas:

- Economic development

- Regeneration

- Public health

- Social or environmental wellbeing

- Reduction in the inequalities of outcomes that arise from socio-economic disadvantage

- Any other benefits that might arise if the request is agreed to.

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[15] Scottish Government (2017) Asset Transfer Guidance
[16] Community Empowerment (Scotland) Bill Policy Memorandum (June, 2014),

- How the request relates to the Relevant Authorities' duties under equalities legislation.

- Any obligations that may prevent, restrict or otherwise affect the authority's ability to agree the request.

Once it has made its decision, the Relevant Authority must issue a decision notice to the Community Transfer Body, and also publish it online. This should include both the decision and the reasons for the decision, as well as information on the Community Transfer Body that made the request, the asset to which the request relates, the processes for appeal, if the request is refused, or the actions to follow if agreed.

Every Relevant Authority is also required to publish an annual report by the 30 June covering the 12-month period 1 April to 31 March. This must set out:

- how many Asset Transfer Requests were received

- how many requests were agreed to or refused

- (for requests agreed to) whether the requests resulted in transfer of ownership, lease or conferral of other rights

- (for appeals) how many requests have been allowed, dismissed, or resulted in a part of the authority's decision being reversed or changed

- where decisions by the authority have been reviewed how many have been confirmed, modified or substituted.

The first annual reports should be published by 30 June 2018.

This part of the Act was implemented in January 2017. Separate guidance has been issued for Community Transfer Bodies and Relevant Authorities on the processes for submitting and responding to ATRs.[17]

Although asset transfer is not a new process, an evaluation and monitoring framework would help to generate evidence to test whether the strengthened provisions in the Act do contribute to a shift in the balance of power from 'Relevant Authorities' towards communities in the transfer of public assets, and whether this has the potential to contribute to improved community outcomes.

3.2 Development of a theory of change for Asset Transfer Requests (Part 5 of the Act)

Developing a theory of change for ATRs followed the same process as for PRs. An initial, detailed theory of change was developed (see Appendix 3) and then refined to focus on nine top level strategic activities, outputs and outcomes (Figure 4).

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[17] Scottish Government (2017) Asset Transfer Guidance

Figure 4: Theory of Change for Part 5 of the Community Empowerment (Scotland) Act 2015 – Asset Transfer Requests (ATRs)
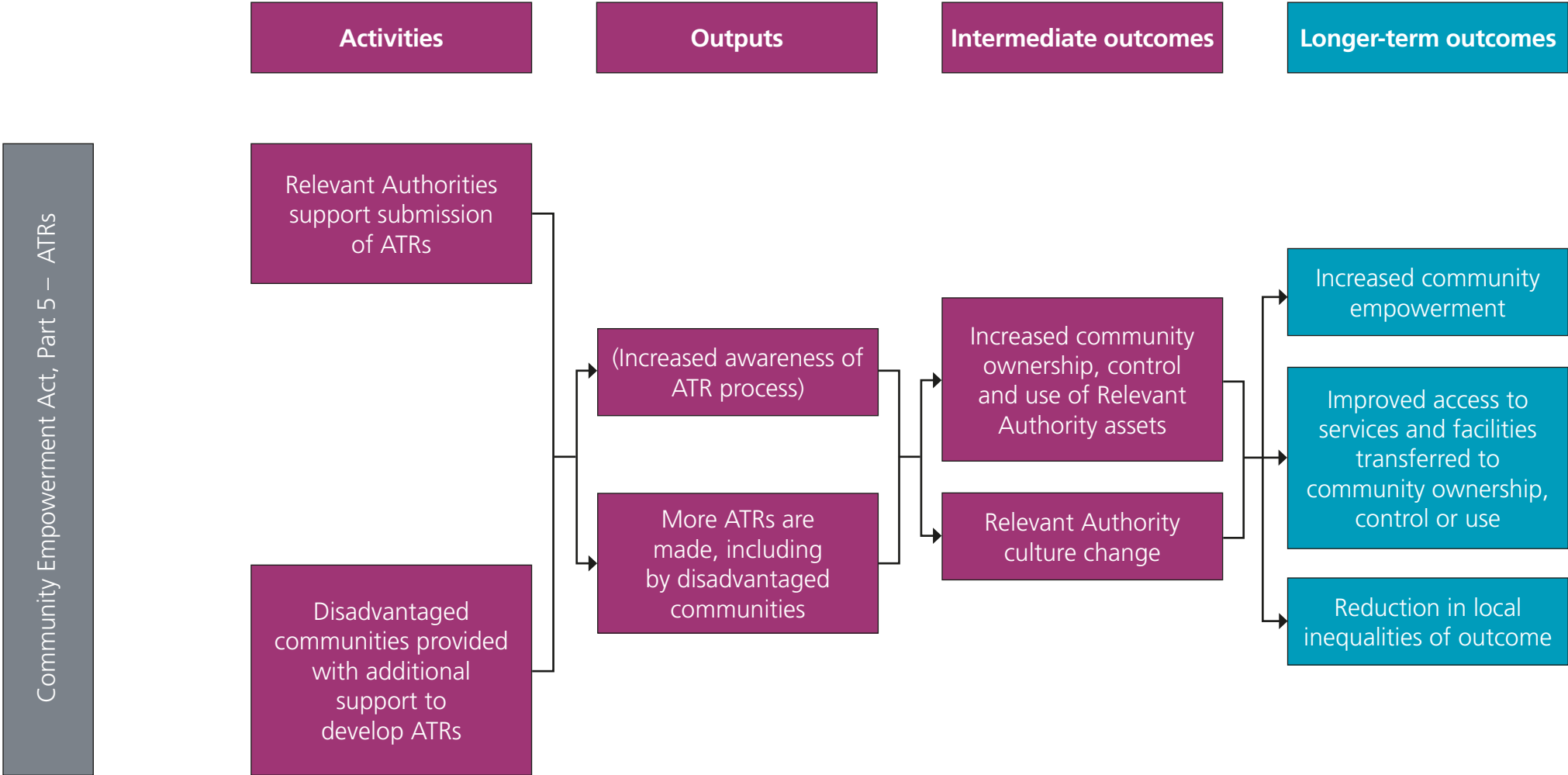
Figure 5 below presents the rationale for the model.

As with PRs, this part of the Act is underpinned by several assumptions that should be considered in any evaluation:

- That communities, including disadvantaged communities, will want to take over ownership, control or use of public assets.

- That transferring public assets, including derelict or under-used land and buildings into community, ownership and control brings them into more productive use and generates positive outcomes for communities.

Figure 5: Asset Transfer Requests (ATRs) (Part 5): Theory of change rationale

	Activities, outputs and outcomes	Rationale
	Activities	
1.	Relevant Authorities support the submission of ATRs	The guidance for Relevant Authorities advises that they should be open to approaches from Community Transfer Bodies, and be ready to direct them to sources of support. It is therefore important to capture whether and how they are doing this.
2.	Disadvantaged communities are provided with additional support to develop ATRs	Although not an explicit requirement of Part 5, a key objective of the Act as a whole is to increase participation of marginalised and disadvantaged groups. Without additional support to these groups there is a risk that the process (and the outcomes it results in) may increase inequalities. It is therefore important to assess whether and what support Relevant Authorities provide in general, and to disadvantaged communities in particular to make ATRs.
	Outputs	
3.	Increased awareness of ATR process	Communities need to be aware of the ATR process in order to make requests. Awareness-raising is not a

	Activities, outputs and outcomes	Rationale
		specific duty on Relevant Authorities and may be undertaken by a wide range of organisations. It is important to identify whether awareness increases overall, and whether some communities are more aware than others, and with what implications both for the pattern of ATRs made and the groups who may benefit from any subsequent asset transfer.
4.	More ATRs made, including by disadvantaged communities	This is a key mechanism linking the Act and the anticipated outcomes. It is therefore important to monitor the number of ATRs made and the decisions made; to assess whether and which communities are making ATRs; to assess the types of assets the requests relate to and the potential benefits and beneficiaries of the asset transfer.
	Intermediate outcomes	
5.	Increased community ownership, control and use of Relevant Authorities' assets	A key aim of the Act is to empower community bodies through the ownership or control of land and buildings. Part 5 supports this aim by enabling communities to identify Relevant Authority assets that they would wish to own, control or use to benefit their community. It is therefore important to assess whether and in what ways implementation of this part results in an increase in community ownership, control and use of public assets. In addition there is a need to identify which communities acquire assets as a result of an ATR and which communities potentially benefit. This will inform an understanding of

	Activities, outputs and outcomes	Rationale
		the potential implications of ATRs for inequalities.[18]
6.	Relevant Authority culture change	By giving communities the initiative to identify assets of interest, and placing a duty on Relevant Authorities to agree an ATR unless there are reasonable grounds not to, this part of the Act aims to shift the balance of power towards communities bodes. As such ATRs are a further mechanism for changing the relationships between Relevant Authorities and communities. It will be important to assess whether, how and with what implications ATRs do contribute to shifts in the relationships between communities and the Relevant Authorities.
	Longer-term outcomes	
7.	Increased community empowerment	By providing communities with a right to request the transfer of a Relevant Authorities' assets to achieve the outcomes of importance to them, ATRs are a potential mechanisms for shifting the balance of power toward communities. It will be important to understand whether, how and for whom ATRs contribute to

[18] A Joseph Rowntree Foundation (JRF) study in England, for example, concluded that while community asset transfer contributed to a "social good of well-being and quality of life", nonetheless some communities were more able to take advantage of the opportunities offered by asset transfer than others, potentially exacerbating inequalities Aiken, M. (2011), *Community organisations controlling assets: A better understanding*, Findings Summary, York: Joseph Rowntree Foundation.
Further, a study in Scotland by Development Trusts Association Scotland (DTAS), which found that the majority (90%) of community-owned assets identified in Scotland, were located in the 80% least deprived areas (based on the Scottish Index of Multiple Deprivation), and just 3% in the 5% most deprived areas. (Development Trusts Association Scotland (2012), *Community Ownership in Scotland: A baseline study*, Edinburgh: DTAS).

	Activities, outputs and outcomes	Rationale
		communities' capacity to influence the decisions that matter to them.
8.	Improved access to facilities and services transferred to community, ownership, control or use	Part 5 is underpinned by an assumption that ownership, control, or use of land or buildings will provide a way for communities to drive change and achieve their own goals. This can be by, for example, providing a base for activities and services that would not otherwise be accessible to members of a particular community; or by providing jobs, training and bringing an income into a local area. It is therefore important to assess whether, how, by and for whom, ATRs contribute to improved access to facilities and services through community ownership, control or use.
9.	Contribution to a reduction in local inequalities of outcome	As a process for enabling communities to request the transfer of assets to achieve community outcomes, ATRs may contribute to a reduction in local inequalities of outcomes. One of the risks, however, is that it may also increase inequalities, e.g. if there is greater take up by more advantaged communities. It will therefore be important to consider whether and how ATRs contribute to reducing local inequalities of outcome.

This part of the Act may also generate unintended consequences. Possible positive unintended consequences that might result from implementation of Part 5 could include:

- To facilitate an asset transfer, as a result of an ATR, community organisations may be able to apply for funding from organisations such as the BIG Lottery or the Scottish Land Fund that are not available to Relevant Authorities.

- Increased confidence among communities to take up community right to buy of assets in private ownership under Part 4 of the Act.

Potential negative unintended consequences might include:

- Communities become disillusioned with the ATR process if they do not feel it achieves what they want to achieve, or perceive the process to be poorly managed. This disillusion may extend to other parts of the Act or other processes intended to empower communities.

- The assets taken into community ownership or control are liabilities, or subsequently fail.[19] This may discourage communities from making ATRs.

- Deployment of assets by community groups leads to worse outcomes, than if retained by the Relevant Authority.

- Disagreement or conflict between communities over whether or which assets could be transferred to community ownership, control or use.

Potential external factors that may influence what Part 5 can achieve could include:

- The proposed implementation of the socio-economic duty on public bodies. This may enhance the scope for marginalised and disadvantaged communities to make ATRs.

- The availability of funding to support communities to take on ownership, control or use of Relevant Authority assets.

- The availability of appropriate Relevant Authority assets.

- Economic cycles, with implications for land values and interest rates.

- Local variations in the extent to which communities are engaged in local development planning and are aware about plans and assets that may become available.

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[19] See for example, Aiken, M. (2011), *Community organisations controlling assets: A better understanding*, Findings Summary, York: Joseph Rowntree Foundation.

4. Evaluation questions and data sources

4.1 Evaluation questions

Through the discussions held in the course of the EA, five overarching evaluation questions emerged. These aimed to assess whether and how these two parts of the Act were implemented, and whether, how, for whom, and to what extent they achieved the outcomes mapped out in the theories of change. The five evaluation questions are:

1 Whether, how and to what extent, are these two parts of the Act being implemented as intended in the legislation and guidance?

2 To what extent does implementation of Part 3 of the Act (Participation Requests) improve community-Public Service Authority dialogue, engagement and relationships, and with what potential contribution to improved public services?

3 To what extent does implementation of Part 5 of the Act (Asset Transfer Requests) result in more assets being transferred to community ownership, control and use, and with what potential contribution to improved access to transferred services and facilities?

4 What is the pattern of take up and use of Part 3 and Part 5 of the Act among different community groups (of area, shared characteristic or interest)? What are the potential implications of these patterns for local inequalities of outcome?

5 Whether, how, and to what extent do communities feel more empowered as a result of the take up and use of Parts 3 and 5?

In weighing up the feasibility and scope for answering these evaluation questions there are two things to consider:

- **Outcomes and effectiveness:** To demonstrate the impact or effectiveness of an intervention or programme the most robust approach is to compare outcomes for those who receive the intervention and a group (ideally randomly allocated) who are similar in all respects, but who are not 'exposed' to the intervention. In the context of interventions such as the Act, however, it is difficult to construct a robust comparator group against whom change can be measured. As a result it may be possible to capture some of the shorter-term and direct outcomes of the legislation, such as those relating to uptake, and to identify a plausible or potential link between implementation and more intermediate or longer-term outcomes. But, in the absence of a 'control group' it will not be possible to attribute change (or no change) directly (or solely) to the implementation of these two parts of the Act.

- **Data sources:** The availability of, and cost-effectiveness of collecting, robust data will also constrain what an evaluation can achieve. The

next section focuses on the strengths and limitation of the different data sources available to assess implementation of Parts 3 and 5.

4.2 Data sources

For the purposes of evaluating these parts of the Act there are a number of possible data sources:

- administrative data collected to monitor implementation of Parts 3 and 5

- national survey data

- 'bespoke' or primary data designed or collected to answer specific questions

- other data sources of potential relevance.

1. Administrative data sources

The legislation requires Public Service Authorities and Relevant Authorities to collect and publish data on individual PR and ATR applications and their outcomes as well as annual reports summarising activity over the year. Details on these reporting requirements are provided in Appendix 4.

The applications, outcome reports, decision notices and annual reports are potentially a rich source of information in relation to patterns of uptake. Additionally, the annual reporting for both PRs and ATRs will include information on the actions taken by public bodies to promote the use of these provisions. There are, however, a number of limitations:

- There are no requirements to report on the support provided specifically to disadvantaged communities for either PRs or ATRs, or to report on the distribution of requests according to any indicator of disadvantage.

- There will be no central log or location for requests, reports or notices which means a substantial task in collating and analysing these sources of data for a large range of Public Service Authorities and Relevant Authorities.

- Although there is guidance produced on how applications and notices etc. are structured and the information they should contain, flexibility will be allowed for community bodies to submit in their own format. This will also make collating and analysing the data more complex.

2. National data sources

Both the Scottish Household Survey (SHS)[20] and Scottish Social Attitudes Survey (SSAS)[21] collect potentially relevant data for tracking national trends over time. The SHS, for example, collects data on perceptions of local public services, local authority performance and whether people feel they can influence local authority decisions. Collected annually since 2007 from a national representative sample of 9–10,000 adults, the survey could be used to assess trends in perceptions of empowerment and accessibility of public services. The data could be analysed by Scottish Index of Multiple Deprivation and by local authority, but detecting any change may be harder because of the smaller sample sizes, than across the sample population as a whole. The survey also does not cover all the Public Service Authorities and Relevant Authorities specified in the Act.

The SSAS also collects potentially relevant data, covering issues of engagement, empowerment, social cohesion and social participation. In 2015, the questions were extended to cover a wider range of indicators of social networks, civic participation and involvement in the design of local public services. However, the relatively small sample size (1,300 in 2015/16), the lack of local level data, the changing modules of questions, and the short time series, limit the usefulness for tracking trends over time.

While the SHS and SSAS may provide useful contextual information it would not be feasible to attribute any changes over time directly to the operation of Parts 3 and 5 of the Act.

Other national surveys in Scotland such as the Scottish Health Survey and Scottish Crime and Justice Survey do not collect potentially relevant data and are less directly useful.

3. Primary research

A further potential source of data would be to undertake primary research to capture more in-depth and focused evidence than is possible from either the routine administrative or survey data sources described above. This could encompass: learning in relation to the processes of implementation; awareness and attitudes towards these provisions in the Act; perceptions of participants and potential beneficiaries (Public Service Authorities, Relevant Authorities and community bodies) of potential changes in relationships, shifts in the balance of power and the implications for public service design and delivery (including where assets have been transferred to community ownership, lease or use).

A case study approach could be adopted, using qualitative and/or quantitative methods. Consideration would need to be given to the selection of relevant cases to address the evaluation questions of interest, but these could comprise, for example a geographic or administrative area, a type of Public

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[20] Scottish Household Survey.
[21] Scottish Social Attitudes Survey

Service Authority or Relevant Authority, or community group (e.g. actions by communities of interest) and/or a sample of ATRs and PRs (both successful and less successful). Primary research is generally more expensive to conduct than research based on secondary sources. There may also be limits to how generalisable the learning is to contexts outwith the specific 'cases'.

4. Other possible data sources

Local areas may also be collecting data relevant to the evaluation questions. The Community Ownership Support Service (COSS), delivered by the Development Trusts Association Scotland (DTAS), currently collect data on requests for advice in relation to asset transfer. This could be a further potential source of background data. For the purposes of a national evaluation consideration would, however, need to be given to the availability, consistency and comparability (and completeness) of these sources of data.

Figure 6 summarises the available data against each of the evaluation questions.

Figure 6: Evaluation questions and data sources

Evaluation question	Data source	Comments
1. Whether, how and to what extent, are these two parts of the Act being implemented as intended in the legislation and guidance?	Administrative data (PR and ATR reporting requirements) Primary research/case studies	
2. To what extent does implementation of Part 3 of the Act improve community-Public Service Authority dialogue, engagement and relationships, and with what potential contribution to improved public services?	Primary research/case studies SHS/SSAS for trends in perceptions of local authority engagement; and of ability to influence local authority decisions, etc.	SHS/SSAS data will only provide broad overall trends/contextual information. It will not be possible to attribute change (or no change) directly to the operation of Part 3.
3. To what extent does implementation of Part 5 of the Act result in more assets being transferred to community ownership, control and use, and with what potential contribution to improved access to transferred services and facilities?	Administrative data Primary research/case studies	
4. What is the pattern of take up and use of these two parts of the Act among different community groups (of area, shared characteristic or interest)? What are the potential implications of these patterns for local inequalities of outcome?	Administrative data Primary research/case studies	Administrative data will not identify disadvantaged groups. Primary research may allow for analysis of local inequalities of outcome and the potential contribution of PRs and ATRs to addressing these inequalities. It will not be feasible to directly attribute any change (or no change) directly to the operation of these parts of the Act.
5. Whether, how, and to what extent do communities feel empowered as a result of the take up and use of Parts 3 and 5?	Primary research/case studies SHS/SSAS – for overall trends in perceptions of ability to influence local authority decisions.	SHS/SSAS data will only provide broad overall trends/contextual information. It will not be possible to attribute change (or no change) directly to the operation of these two parts of the Act.

5. Evaluation studies

To address the evaluation questions, within the data constraints identified, the EA suggests a combination of approaches to evaluate the implementation of Parts 3 and 5 of the Act:

1. Process evaluation of implementation

Using a case study approach (with the case being, for example, an administrative or geographic area; a type of Public Service or Relevant Authority body, or community body; or a purposive sample of requests made under Parts 3 and 5), the aim would be to understand the implementation of these two Parts of the Act, and whether they are being implemented as anticipated in the legislation and the guidance. Using qualitative and quantitative approaches it would help to identify the mechanisms that could lead to outcomes, identify potential unintended consequences and provide an understanding of the influence of the contextual factors that may underline the patterns emerging from the administrative data. Where feasible, a longitudinal component could be included to monitor change in services following an outcomes improvement process, or asset transfer. This would not, however, be able to provide robust data on the longer-term outcomes, including, for example, the impacts of these processes on local inequalities of outcome. Data from a process evaluation cannot be aggregated to indicate population-level effects.

2. Analysis of administrative data on PRs and ATRs.

Routine monitoring of administrative data collected in relation to PRs and ATRs (see Appendix 4) would help to build up a picture of whether and how these parts of the Act are being used, and by which community groups, and with what direct outcomes in terms of contribution to outcome improvement processes or the transfer of assets to communities.

The administrative data that Public Service Authorities and Relevant Authorities are required to collect on PRs and ATRs could be enhanced by modifying the proposed reporting guidance to require Public Service Authorities and Relevant Authorities to:

- identify ATRs and PRs from disadvantaged communities and to report the direct outcomes from these processes separately for disadvantaged and less disadvantaged communities

- report on requests and decisions made on the grounds of a contribution to reducing local inequalities of outcome.

To ensure consistency, these modifications would require a definition of 'disadvantaged community', and in a way that would allow Public Service Authorities and Relevant Authorities to identify the relevant communities.

3. Analysis of long-term trends from the Scottish Household Survey and Scottish Social Attitudes Survey

Analysis of long-term trends in perceptions of local public services and local authority performance from the Scottish Household Survey, and on civic participation from the Scottish Social Attitudes Survey, may also contribute to an understanding of the wider context.

The long-term trend data could be enhanced by including additional questions (or additional response categories for existing questions) in the SHS or SSAS to gauge awareness of, and involvement in, PR and ATR processes. This, however, may not be practical given, for example, the limited space in the SHS. In addition there would be a substantial time lag between adding questions, receiving and reporting on data gathered. Even with the additional questions a national survey would fail to identify small but worthwhile impacts. This underlines the value of a process evaluation in addition to analysis of administrative and routine data.

6. Conclusions and recommendations

The purpose of the EA was to support the Scottish Government to assess the feasibility of evaluating Parts 3 and 5 of the Community Empowerment (Scotland) Act 2015 before developing a detailed evaluation and monitoring framework.

Working with a group of stakeholders the EA process mapped out the theories of change for each of these two parts of the Act. On the basis of the theories of change five key evaluation questions were identified, and the potential data sources for answering these questions considered. The available data includes administrative data (data collected as part of the reporting requirements of Part 3 and 5 of the Act) and national survey data, which may help to identify trends over time. Additionally, it was suggested that to answer the more process-oriented evaluation questions, and questions relating to perceptions of engagement and empowerment, there may be a value in undertaking primary research (qualitative and or quantitative).

On the basis of the EA it is recommended that consideration be given to:

- A process evaluation to capture implementation, including the experiences and perceptions of communities, Public Service Authorities and Relevant Authorities. This could comprise qualitative and/or quantitative data.

- Analysis of administrative data collected in relation to ATRs and PRs, including consideration of how to capture uptake and use of these parts of the Act by disadvantaged communities.

- Analysis of SHS and SSAS data to provide contextual information on trends over time.

The problems of controlling for external influences, concurrent to implementation of Parts 3 and 5, together with the difficulties of constructing a robust comparator group, mean that it would not be feasible to undertake an 'effectiveness' or impact study. It will not be possible, in other words, to say conclusively that any changes along the desired intermediate and longer-term outcomes were directly or primarily, brought about by these parts of the Act.

Understanding the process of implementation, including awareness of the Act, patterns of uptake and the actions that follow will, however, help to provide indicative data of the value of these two parts of the Act, as potential mechanisms for empowering communities, and effecting change in the decisions that matter to them.

Appendix 1: The Community Empowerment (Scotland) Act 2015

Part 1: National Outcomes

Scottish Ministers have a duty to determine a set of national outcomes for Scotland, which builds on the 'Scotland Performs' framework.

Date implemented: 15 April 2016

Part 2: Community Planning

Places community planning partnerships on a statutory footing and imposes duties on them around planning and delivery of local outcomes.

Date implemented: 20 December 2016

Part 3: Participation Requests

A mechanism for communities to have a more proactive role in having their voices heard in how services are planned and delivered.

Date implemented: 1 April 2017

Part 4: Community Right to Buy Land

Extends the community right to buy to all of Scotland and introduces a new provision for community bodies to purchase neglected, abandoned or detrimental land where the owner is not willing to sell that land.

Date implemented: 15 April 2016

Part 5: Asset Transfer Requests

Provides community bodies a right to request to purchase, lease, manage or use land and buildings belonging to local authorities, certain Scottish public bodies or Scottish Ministers.

Date implemented: 23 January 2017

Part 6: Delegation of Forestry Commission's Functions

Amends the meaning of 'community body' in the Forestry Act 1967, in relation to the delegation of the Forestry Commissioners' Functions

Date implemented: 23 January 2017

Part 7: Football Clubs

Provides a power for the Scottish Minister to make regulations which facilitate supporters of a football club being involved in the decision-making of the club they support or to become owners of the club (or a part of it).

Part 8: Common Good Property

Places a statutory duty on local authorities to establish and maintain a register of all property held by them for the common good and publish their proposals and consult community bodies before disposing of or changing the use of common good assets.

Date implemented: 15 April 2016

Part 9: Allotments

Updates and simplifies legislation on allotments. It requires local authorities to take reasonable steps to provide more allotments if waiting lists exceed certain trigger points and ensures appropriate protection for local authorities and plot-holders.

Part 10: Participation in Public Decision-Making

Provides a power for Scottish Ministers to make regulations to promote or facilitate participation in public decision-making, including in decisions on the allocation of resources.

Part 11: Non-Domestic Rates

Inserts a new section into the Local Government (Financial Provisions etc.) (Scotland) Act 1962. This provides a new power to allow councils to create and fund their own localised business rate relief schemes to better reflect local needs and support communities.

Date implemented: 31 October 2015

Part 12: General

Makes general provisions in relation to the Act.

Appendix 2: Evaluability assessment workshop contributors

Scottish Government contributors

Graeme Beale, RESAS: Rural Analysis Unit, Scottish Government (Workshops 1, 2)

Carole Brown, RESAS: Environment Analysis, Scottish Government (Workshop 3)

David Cowan, Regeneration Unit, Scottish Government (Workshop 1)

Neil Davidson, RESAS: Rural Analysis Unit, Scottish Government (Workshop 3)

Elinor Findlay, Office of the Chief Social Policy Advisor, Scottish Government (Workshops 1 - 4)

Justine Geyer, LGAS: Local Government and Reform Research, Scottish Government (Workshops 1 - 4)

Sarah Martin, Office of Chief Statistician & Data Officer, Scottish Government (Workshop 4)

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Alasdair McAlpine, CAD: Equality and Social Justice Analysis (SIMD), Scottish Government (Workshop 4)

Jacqueline Rae, LGAS: Local Government and Reform Research, Scottish Government (Workshops 1 - 4)

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External Contributors

Alana Atkinson, NHS Health Scotland (Workshops 1 and 2)

Peter Craig, What Works Scotland, University of Glasgow (Workshops 1–4)

Lorraine Gillies, Audit Scotland (Workshop 4)

Fiona Myers, NHS Health Scotland (Workshops 1-4)

Nicholas Watson, What Works Scotland, University of Glasgow (Workshop 1)

Appendix 3: Detailed theories of change for Parts 3 and 5

Please note: The language used to describe each of the outcomes was further refined in the course of the prioritisation exercise. As a result some of the outcomes described in the figure below may be worded slightly differently in the revised theories of change.

Participation Requests (PRs)	Asset Transfer Requests (ATRs)
Activities	
Public Service Authorities (PSAs) promote awareness and use of PRs	Relevant Authorities (RAs) support submission of ATRs
PSAs support communities to submit PRs	Disadvantaged communities provided with additional support to develop ATRs
Disadvantaged communities offered additional support to develop PRs	Increased awareness and understanding of the ATR process
	Communities develop business case for asset transfer
Outputs	
Communities submit PRs	Increasing ATRs from disadvantaged communities
Outcomes	
Improved well-being and social outcomes for individuals engaged in PR process	Increased community ownership, control and use of RA assets
Improved relationships between communities and PSAs	Improved relationships between community bodies and RAs
Communities routinely involved in PSAs' decision-making	Communities develop higher expectations of being able to own and control RA assets
Greater understanding of PSA decision-making	Communities become more enterprising and able to generate income on their own behalf
PSA culture change	RA culture change

Participation Requests (PRs)	Asset Transfer Requests (ATRs)
Increased community empowerment	Improved well-being and social outcomes for individuals engaged in asset transfer process
Improved public services	Communities are more empowered
Public services are perceived as more efficient, effective and responsive	Improved access to facilities and services transferred to community ownership, control or use
Increased community well-being	Increased community well-being
Communities perceived as better places to live	Reduced inequalities
Reduced inequalities	

Appendix 4: Reporting requirements for Parts 3 and 5

Part 3 Participation Requests (PRs)

Report: PR application

Who completes: Community Participation Body

When: When putting forward a PR

Content: Why the community body wishes to be involved in the outcomes process; what it can bring; what improvements it expects to achieve.

Report: PR outcome report

Who completes: Public Service Authority

When: On completion of the outcomes improvement process

Content: Whether the outcome has improved; the role the community body took; how the public body intends to keep the Community Participation Body involved or kept informed about changes in the outcomes of the process.

Report: PR Section 32 annual report

Who completes: Public Service Authority

When: Annually by 30 June

Content: Numbers of PRs received over the period Apr-Mar; the number agreed and refused; the number that led to a change in delivery of the relevant public services; PR awareness-raising and support activity provided by the Public Service Authority over the year.

Part 5 Asset Transfer Requests (ATRs)

Report: ATR application

Who completes: Community Transfer Body

When: When making a request for ATR

Content: Definition of the community it refers to; reasons for making the request; the benefits of their proposal; the price it is prepared to pay.

Report: ATR decision notice

Who completes: Relevant Authority

When: When the Relevant Authority has made its decision (and within six months of the validation date)

Content: Information on the Community Transfer Body making the request; Information on the asset to which it refers; the decision; process for appeals (if refused); actions to follow (if accepted).

Report: ATR Section 95 annual report

Who completes: Relevant Authority

When: Annually by 30 June

Content: Numbers of ATRs received Apr-Mar; how many agreed/refused; for requests agreed – whether they resulted in transfer of ownership, lease or conferral of other rights; for appeals – how many have been allowed, dismissed, or resulted in a part of the authority's decision being reversed or changed; where decisions by the authority have been reviewed, how many have been confirmed, modified or substituted; what Relevant Authorities have done to promote the use of, and support submission of ATRs.