



Asset Transfer Requests: Evaluation of Part 5 of the Community Empowerment (Scotland) Act 2015



PEOPLE, COMMUNITIES AND PLACES

Asset Transfer Requests: Evaluation of Part 5 of the Community Empowerment (Scotland) Act 2015



University for the Common Good

Carolyn McMillan, Artur Steiner and Clementine Hill O'Connor

SG/2020/65

Contents

Figures and tables	i
Executive Summary	1
1. Introduction.....	6
2. Background to asset transfer requests	8
3. Approach to this evaluation	9
3.1. Evaluation stages	9
3.2. Methods	9
3.3. Sampling	12
3.4. Analysis.....	15
3.5. Ethical considerations.....	16
4. Level of asset transfer request activity	17
4.1. Annual reporting figures	17
4.2. Number of asset transfer requests received 2017-2019.....	19
4.3. Trends in asset transfer request activity	21
4.4. Geographical spread of asset transfer requests	24
4.5. Scottish Index of Multiple Deprivation and asset transfer requests	27
5. Implementation of asset transfer requests	29
5.1. Processes and challenges within relevant authorities	29
5.2. Developing assessment processes	30
5.3. Promoting awareness and providing support for asset transfer requests ...	32
5.4. Equalities and disadvantaged groups	34
6. Intermediate outcomes of asset transfer requests.....	35
6.1. Increased community ownership, control and use	35
6.2. Relevant authority culture change	37
6.3. Increased obligations of community transfer bodies	38
6.4. Community cohesion and capacity building	39
7. Longer-term outcomes of asset transfer requests	42
7.1. Potential for increased community empowerment.....	42
7.2. Improved access to services	48
7.3. Reduced inequalities of outcome	49
8. Good practice case study: Blantyre Soccer Academy	53
8.1. Empowered and vibrant communities	53
8.2. Opportunities and challenges.....	54
8.3. Making positive impact – intermediate outcomes	55
8.4. Developing sustainable communities	56
8.5. Empowering communities – learning and reflection.....	57

9. Theory of Change	58
10. Recommendations	61
11. Limitations of the study.....	63
12. Conclusions	64
References	65
Appendix 1: List of relevant authorities by type	66
Appendix 2: Procedure following receipt of an asset transfer request application	69
Appendix 3: Revised list of Scottish Ministers	70

Figures and tables

Figures

Figure 1 Theory of Change for Part 5 of the Act	7
Figure 2 Type of asset requested	22
Figure 3 Purpose of asset requested	23
Figure 4 Assets requested for transfer by postcode, 2017-2019	25
Figure 5 Assets accepted for transfer by postcode, 2017-2019	26
Figure 6 Number of asset transfer requests by SIMD of asset location	28
Figure 7 Before and after – external renovations of asset.....	55
Figure 8 Completed internal renovations – kitchen and meeting room	56
Figure 9 Revised Theory of Change	58

Tables

Table 1 Stages of the research, aims and activities	10
Table 2 Interviewees per relevant authority (RA)	12
Table 3 Community transfer bodies (CTBs) – sample	13
Table 4 Community transfer bodies (CTBs) – amended sample	14
Table 5 Community transfer body interviewees and meetings/events attended	15
Table 6 Data submitted by relevant authorities (excluding Scottish Ministers)	18
Table 7 Response rate by relevant authority, formal reports and informal submissions	18
Table 8 Data submitted by Scottish Ministers	19
Table 9 Number of asset transfer requests across relevant authority types	20
Table 10 Promotion activities reported by relevant authorities	33
Table 11 Defining empowerment – perspectives from the sample	43

Executive Summary

This report presents findings from an evaluation of Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act). Implemented on 23 January 2017, Part 5 of the Act relates to asset transfer requests. It gives community transfer bodies the right to request to buy or lease assets from relevant authorities. Whilst asset transfer is not a new process, the legislation opens up new opportunities for communities, enabling communities to take on public sector land and buildings while placing new responsibilities on relevant authorities to respond to their requests in a transparent and timely way. As part of the Scottish Government's commitment to review asset transfer requests, a team at Glasgow Caledonian University was commissioned to undertake research to document the ways in which this new provision has been implemented by relevant authorities and used at a local level, and the impact that Part 5 is having. This executive summary presents the key findings of the evaluation.

Methods

The evaluation focused on the extent to which asset transfer requests may contribute to a series of intermediate and longer-term outcomes which were set out in a study conducted by Myers, Geyer and Craig (2017)¹, who assessed the evaluability of Part 5 of the Act and developed a Theory of Change model to describe how the implementation of Part 5 of the Act might contribute to change. The evaluation adopted a range of methods to collect primary data, including in-depth interviews with key stakeholders (n=25); a group interview with three participants; and participant observations (n=3). Secondary data were sourced through the collation of key documents including asset transfer request annual reports from relevant authorities. Qualitative data were analysed in NVivo. Quantitative data were analysed in SPSS.

Findings: relevant authority implementation and community transfer body use of the legislation

- According to available relevant authority annual reports, between 2017 and 2019, relevant authorities received 139 asset transfer requests, agreed to 81 and refused 10. The data suggests an increase in activity between 2017-2018 and 2018-2019.
- The majority of asset transfer requests were submitted to local authorities (85% in 2017-2018 and 79% in 2018-2019).
- Between 2017 and 2019, 53 requests were made for buildings (53% and 27% of all requests in 2017-2018 and 2018-2019 respectively). The number of requests for both land and buildings was 21 (9% and 20% of all requests in 2017-2018

¹<http://www.healthscotland.scot/media/1696/evaluability-assessment-of-parts-3-and-5-of-the-community-empowerment-act-dec17-english.pdf>

and 2018-2019 respectively). In 2017-2018, the purposes of most applications were community hubs (n=8), community parks/woodlands (n=8), and men's/ community sheds (n=7). In 2018-2019, the purposes of most applications were community hubs (n=17), community parks/woodlands/gardens (n=12) and sports/recreational facilities (n=11).

- Relevant authorities promoted asset transfer requests through varied pathways (website, internal and external information events, publication of asset register, and first point of contact). Extensive promotion was constrained by financial and time pressures on relevant authorities.
- Relevant authorities noted the complexity surrounding 'best value' assessment and the need to quantify community benefits in order to decide the level of discount offered to community transfer bodies.
- Between 2017 and 2019, no specific references to inequalities or to disadvantaged or marginalised groups were made in available relevant authority annual reports.

Findings: intermediate outcomes of asset transfer requests

- *Increased community ownership, control and use*
Asset transfer requests are viewed as a mechanism through which communities can design and deliver services to address local needs. Examples include mental and physical health services, youth clubs, and community spaces.
- *Relevant authority culture change*
The culture of authorities can be a barrier to effective implementation of asset transfer requests legislation: some community transfer bodies experienced difficulties with relevant authorities, describing authorities as hostile or obstructive. While clear evidence of culture change will only occur over time, there was evidence that relevant authorities were taking steps to create change by challenging internal beliefs and values.
- *Increased obligations of community transfer bodies*
There is evidence that communities experience increased obligation related to assets, post-transfer. The outcome of this obligation can be both positive, in terms of caring for an asset which generates benefit, or negative – if the asset becomes burdensome in terms of commitment to look after it. In the latter circumstance, findings highlight the importance of support services matched to community transfer body needs, funding and expertise.
- *Community cohesion and capacity building*
Evidence suggests that the asset transfer request process may be 'transformational' for small communities, supporting increased community cohesion/involvement and capacity building.

Findings: longer-term outcomes of asset transfer requests

Given the recent introduction of Part 5 of the Act (January 2017), it is too early to draw conclusions in relation to the longer-term outcomes of asset transfer requests. The *potential* for asset transfer requests to enable long-term outcomes includes:

- *Potential for increased community empowerment*
Some community transfer bodies reported that asset transfer requests had enabled aspects of empowerment² and also that they had supported increased levels of volunteering in communities. Other community transfer bodies noted that while they perceive the potential for asset transfer requests to increase community empowerment, the impact of this was not yet fully realised.
- *Improved access to services*
Based on the purposes of submitted asset transfer requests, the available data indicate that asset transfer requests may improve community access to services. The impacts of this will be better understood over time.
- *Reduced inequalities of outcome*
While the analysis of annual reports suggests a spread of requests across areas of differing SIMD level, some interviewees suggested that the asset transfer request process is more easily accessible to communities with sufficient levels of capacity, skills and knowledge to take on the ownership of an asset. Relatedly, communities lacking capacity and access to individuals with critical skills and expertise felt the process of applying was intimidating and challenging, a view that was backed up in interviews with relevant authorities. It is not yet clear whether this may lead to an increase in inequalities, as suggested by Myers *et al.* (2017), given that assets transferred may provide services to a wide range of groups. Nevertheless, findings suggest that some communities will need additional support to be able to undertake an asset transfer process successfully.

Recommendations

Recommendations for the Scottish Government include:

- Ensuring relevant authorities meet statutory annual reporting duties to enable on-going monitoring of Part 5 of the Act. On-going and improved reporting should underpin future assessments of the longer-term impact of asset transfer requests.
- To further facilitate reporting and evaluation, there is a need to compose a definitive list of Scottish Ministers that own or have property in their care. This list should be reviewed on a regular basis.

² <https://www.gov.scot/policies/community-empowerment/>

- Given the challenges that relevant authorities experienced in assessing 'best value' when assessing asset transfer requests, the Scottish Government should work with relevant stakeholders to develop guidance on valuation matrices/models for determining 'best value' for assets.
- The Scottish Government should continue to work with key partners to identify actions that may help to overcome any barriers to the use of asset transfer requests by marginalised groups or disadvantaged communities. Consideration should be given to mapping funding options and support/capacity services, and providing better signposting to these services.

Recommendations for relevant authorities include:

- Wider promotion of asset transfer requests to raise internal and external awareness of Part 5 of the Act is needed.
- Relevant authorities should ensure that asset transfer requests have a transparent timeline. This will mitigate against diminishing community momentum and enthusiasm, and help to establish and maintain good or improved relationships between relevant authorities and communities.
- Relevant authorities should identify a key internal contact person responsible for managing asset transfer requests. This would help to speed-up the asset transfer request process, act as an effective conduit between community transfer bodies and relevant authority personnel, drive culture change in relevant authorities and allow other relevant authority personnel to focus on other responsibilities.
- To address concerns surrounding assets becoming derelict or burdens on communities, relevant authorities should undertake work to promote clearer agreements, ensure understanding of long-term responsibilities associated with running an asset and assess group capacity to deliver.
- Relevant authorities should work with key stakeholders to address challenges associated with quantifying community benefit and calculating the level of discount to offer to communities. Ensuring that 'best value' assessments are explicitly related to addressing inequalities may reduce barriers to participation for disadvantaged communities.
- Relevant authorities should encourage groups from marginalised communities to consider whether asset transfer requests could benefit them. Activities could include active promotion of Part 5 of the Act and developing tailored, accessible support (translations and easy-read documents where appropriate, for example).

Conclusions

The evaluation suggests that asset transfer requests may help to address inequalities and support communities to deliver better and more appropriate services. To maximise the impacts of asset transfer requests, and to achieve the

longer-term changes in community empowerment envisaged by the Act, government and relevant authorities need to take further steps to promote and support asset transfer requests – focusing on less-advantaged communities in particular – and to continue to improve monitoring and tracking of the results.

Limitations

This study was conducted using available quantitative data. Due to limited reporting by relevant authorities, our findings may not reveal the full picture of asset transfer request activity in Scotland. Qualitative data derive from a limited sample. While steps were taken to ensure that the sample had a breadth of knowledge and experience of asset transfer requests, the findings reported here may not represent the full range of perspectives on asset transfer requests.

1. Introduction

This report presents findings from an evaluation of Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act). Part 5 of the Act relates to asset transfer requests (ATRs) and it gives community transfer bodies (CTBs) the right to request to buy or lease assets from relevant authorities (RAs). Whilst asset transfer is not a new process, the legislation opens up new opportunities for communities. It enables communities to take on public sector land and buildings while placing new responsibilities on relevant authorities to respond to their requests in a transparent and timely way.

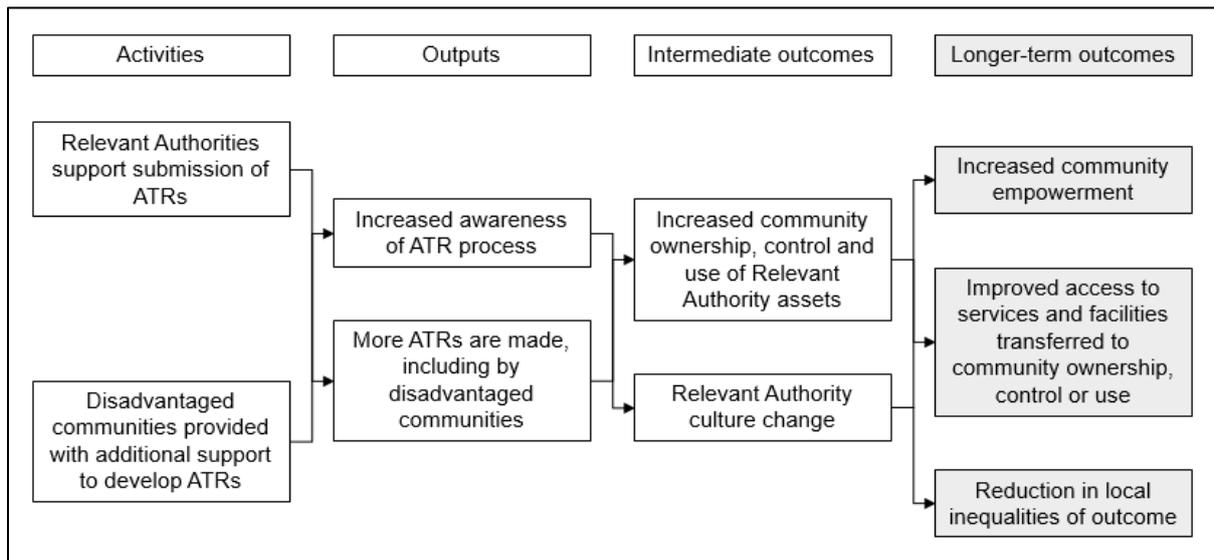
Part 5 of the Act came into force on 23 January 2017. Following its implementation, the Scottish Government wants to understand more about the ways in which this new provision has been implemented by relevant authorities and used at a local level, and the impact that Part 5 is having. Accordingly, in 2018 the Scottish Government commissioned a team from the Yunus Centre for Social Business and Health, Glasgow Caledonian University, to undertake an evaluation to answer the following research questions:

1. Whether, how and to what extent, is Part 5 of the Act being implemented as intended in the legislation and guidance?
2. To what extent does implementation of Part 5 of the Act result in more asset transfers being initiated and assets being transferred to community ownership, control and use, and with what potential contribution to improved access to transferred services and facilities?
3. What is the pattern of take up and use of Part 5 of the Act among different community groups? What are the potential implications of these patterns for local inequalities of outcome?
4. Whether, how, and to what extent do communities feel more empowered as a result of the availability, take up and use of Part 5 of the Act?

The evaluation was informed by a previous study conducted by Myers, Geyer and Craig (2017)³, who assessed the evaluability of Part 5 of the Act and developed a Theory of Change model (Figure 1) to describe how the implementation of Part 5 of the Act might contribute to change. This model identified key activities, outputs, and intermediate and longer-term outcomes relating to Part 5 of the Act. The stages of this evaluation correspond with different components of Myers *et al.*'s Theory of Change and also informed the thematic framework used to analyse the data (discussed in Section 3).

³ Myers, F., Geyer, J. and Craig, P. 2017. Evaluability assessment of Parts 3 and 5: participation requests and asset transfer requests. NHS Health Scotland, Edinburgh. Available at: <http://www.healthscotland.scot/media/1696/evaluability-assessment-of-parts-3-and-5-of-the-community-empowerment-act-dec17-english.pdf>

Figure 1 Theory of Change for Part 5 of the Act



Source: Myers *et al.* (2017)

The report is structured as follows: Section Two outlines the background to asset transfer requests; Section Three details the methodological approach undertaken for this evaluation; and Section Four outlines the implementation of asset transfer requests (addressing research questions 1 and 3). Section Five reports on asset transfer request activity and trends (research questions 1 and 3) and Section Six details findings related to intermediary outcomes of Part 5 of the Act (research question 2). Section Seven outlines evidence pertaining to longer-term outcomes of Part 5 of the Act (research questions 2 and 4). Section Eight presents an example of a completed asset transfer request, Blantyre Soccer Academy. A discussion surrounding the revised Theory of Change model is given in Section Nine. Recommendations, conclusions and limitations are presented in Sections Ten, Eleven and Twelve, respectively.

2. Background to asset transfer requests

The Community Empowerment (Scotland) Act 2015 (The Act) is central to empowering community bodies, strengthening their voices in local decision-making, ownership of land and buildings and supporting public sector reform by improving the process of community planning and its outcomes. Through the Act, the Scottish Government seeks to empower communities to play increasingly active roles in managing, leasing, and owning local assets.

Part 5 of the Act is directly concerned with the improvement and development of local assets, through asset transfer requests. Part 5 of the Act gives community groups known as community transfer bodies the right to request to buy, lease, or manage assets from relevant authorities.

Asset transfer is not a new process: relevant authorities have existing schemes and processes for properties deemed suitable for community use and, crucially, surplus to requirements (Myers *et al.*, 2017). Until the introduction of the Act, however, such processes were not formal nor explicitly linked to community empowerment policies (DTAS, 2010). The introduction of Part 5 of the Act sought to complement these existing processes (Myers *et al.*, 2017). As a result, the new provision aims to increase uniformity across relevant authorities by introducing the right for communities to request to buy, lease or manage any land, structures or buildings owned by relevant authorities if they believe it will benefit their community. Through asset transfer provision, the Scottish Government aims to achieve positive change, enhance local development, empower communities and reduce inequalities.

The asset transfer request process begins when a community transfer body submits a request to a relevant authority, requesting ownership, lease, or other rights⁴ of an asset. A community transfer body can either be a community controlled body (defined in Section 19 of the Act) or a body designated by the Scottish Ministers. Asset transfer requests can be made to any relevant authority as listed in Schedule 3 of the Community Empowerment (Scotland) Act 2015. This includes land or buildings owned or in the care of Scottish Ministers. Other relevant authorities (listed in Schedule 3 of the Act) include local authorities, further education colleges, regional transport partnerships, and 'other' organisations (Appendix 1). Following receipt of an asset transfer request, the relevant authority assesses the request, in line with defined criteria detailed in the Scottish Government Guidance on asset transfer requests (2017)⁵, and issues a decision notice. This process is set out in Appendix 2. Unless there are reasonable grounds for refusal, the relevant authority must agree to the request. If an asset transfer request is refused, community transfer bodies can seek a review or appeal.

⁴ Sections 79(2)(a), 79(2)(b)(i) and 79(2)(b)(ii), respectively.

⁵ Scottish Government. 2017. Asset Transfer under the Community Empowerment (Scotland) Act: Guidance for Relevant Authorities. Available at: <https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-relevant-9781786527493/>

3. Approach to this evaluation

3.1. Evaluation stages

The evaluation was carried out in four consecutive stages, presented in Table 1. Myers *et al.*'s (2017) Theory of Change (Figure 1) informed the design, implementation and thematic framework adopted for the research.

3.2. Methods

The evaluation team collected primary (individual/group interviews and participant observations), and secondary (annual reports and supporting documents from relevant authorities) data to answer the research questions. These are discussed below together with the sampling strategy, our approach to data analysis and ethical considerations.

3.2.1. Interviews with relevant authorities

During Stage 1 (Table 1), the research team undertook in-depth interviews with 13 participants from 11 relevant authorities named in the Act, and one key stakeholder from a national asset transfer support organisation. The topic guides for these interviews were developed to generate data related to the interpretation and implementation of the Act. The interviews with individuals responsible for asset transfer request processes and/or supporting communities to submit asset transfer requests helped to gain an understanding of how the Act has been implemented by relevant authorities. Further questions regarding specific asset transfer requests were used to build case studies that gave insight into the potential for asset transfer requests to contribute to intermediate and longer-term outcomes in communities.

3.2.2. Interviews with community stakeholders

During Stage 2 (Table 1), the research team conducted one-to-one interviews with 12 community stakeholders involved in asset transfer request submissions. In addition to individual interviews, the research included one group interview with a further three participants from one community transfer body. In total, 15 community stakeholders were interviewed. The topic guides for these participants were developed to generate data related to the experience of the asset transfer request application process, the support offered by relevant authorities, actual and anticipated outcomes and perspectives on the meaning and possible measurement of community empowerment.

Table 1 Stages of the research, aims and activities

<p>Stage 1 (Apr. 2018 – Sept. 2018) <i>Aim: identify activities and outputs related to asset transfer requests (ATR)</i></p> <ul style="list-style-type: none"> • Understanding implementation processes • Identifying early patterns in ATR submissions across Scotland • Highlighting how ATRs were being interpreted by relevant authorities (RAs) • Exploring RA perspectives on potential outcomes <p><i>Data collection (primary)</i></p> <ul style="list-style-type: none"> • Interviews with RA representatives (n=13) • Interview with one key stakeholder from a national ATR support organisation <p><i>Data collection and analysis (secondary; 2017-18)</i></p> <ul style="list-style-type: none"> • ATR reports and informal submissions (n=58) supplemented with available documents • Identification of community transfer body (CTB) cases (Section 3.3.2) 	<p>Stage 2 (Oct. 2018 – May 2019) <i>Aim: to explore the experiences of community organisations leading ATRs</i></p> <p><i>Data collection (primary):</i></p> <ul style="list-style-type: none"> • Interviews with community representatives (n=15) <ul style="list-style-type: none"> ○ participants (n=12) from eight CTBs ○ 1 group interview with participants (n=3) from one CTB (CTB 2) • Participant observations (n=3) <p><i>Data collection and analysis (secondary; 2018-19)⁶</i></p> <ul style="list-style-type: none"> • Formal ATR reports and informal submissions (n=42) supplemented with available documents 	<p>Stage 3 (Jun. 2019 – Sept. 2019) <i>Aim: Analysis of primary and secondary data.</i></p> <ul style="list-style-type: none"> • Comparative data analysis using 2017-18 and 2018-19 annual reports • Themes identified across the qualitative data 	<p>Stage 4 (Oct. 2019 – Jan. 2020) <i>Aim: Final analysis</i></p> <ul style="list-style-type: none"> • Development of a revised Theory of Change • Two stakeholder workshops held with asset transfer request stakeholders (30); emerging findings discussed contributing to strengthening a revised Theory of Change • Producing final reports
---	--	---	--

⁶ Due to delays in relevant authority reporting, data collection and analysis of secondary data for 2018-19, this activity was also conducted under Stage 3 (Section 3.2.4)

3.2.3. Participant observation

During Stage 2 (Table 1), members of the research team attended events held by three community transfer bodies included in the sample. These were attended in order to observe support from communities and understand services being delivered by the community transfer bodies. Further, attending these events allowed the research team to have informal conversations with members of the wider community. One of the community organisations that had successfully completed an asset transfer request held regular meetings to manage the development of the asset. One of these meetings was attended, which offered the opportunity to ask questions and clarify plans and community transfer body decision-making. This gave an insight into the processes that follow the successful transfer of an asset and the ways that communities manage the various responsibilities, opportunities and challenges of an asset transfer (see Table 5 for details on participant observations).

3.2.4. Secondary data: Relevant authority annual reports

Secondary data collection spanned Stages 1–3. Two sets of relevant authority annual reports were collected and analysed for the evaluation. The first return of annual reports encompassed the period 1st April 2017 to 31st March 2018 while the second return covered 1st April 2018 to 31st March 2019.

Despite all relevant authorities having a statutory duty to publish annual reports which outline all asset transfer request activities, low publishing rates in both periods meant that additional steps were taken to collect data about asset transfer requests from relevant authorities. During Stage 1 of the evaluation, these steps included email communication from the Scottish Government, introducing relevant authorities to the evaluation team (April 2018) and reminding them of their statutory duty to publish (July 2018); and evaluation team email communication, requesting information on the intended online location of the published reports⁷ (June 2018) and requesting that all relevant authorities submit (July 2018). During Stages 2 and 3, the Scottish Government contacted relevant authorities, reminding them of their statutory duty to publish (May, July and August 2019).

The number of reports submitted by relevant authorities is presented in Table 6 and Table 7. Once available reports were collated, both sets of annual reports were analysed using the same systematic approach. Findings from this analysis of the annual reports are available on the Scottish Government website⁸.

In addition to the collection of annual reports, the research team gathered documents relating to asset transfer requests on relevant authority websites. Relevant documents included application forms, business plans and decision notices

⁷ The Act does not specify where the reports should be published.

⁸ Hill O'Connor, C. and Steiner, A. (2018) Review of Asset Transfer Requests Annual Reports: Summary, Scottish Government, available at: <https://www.gov.scot/publications/independent-evaluation-of-community-empowerment-act-parts-3-and-5-interim-findings>.

issued to inform community transfer bodies of the outcome of requests. Including this information has allowed for analysis of the types of organisations that are submitting requests, the purpose of the request and the type of asset. Where possible, the postcode of the requested asset was ascertained in order to map the asset transfer requests onto the Scottish Index of Multiple Deprivation (SIMD) – this to increase understanding about which communities are submitting asset transfer requests. Data were not available for all submitted asset transfer requests; where data are missing, this is noted in the tables and figures throughout the report.

3.3. Sampling

This evaluation adopted purposive sampling of relevant authorities, community transfer bodies and other stakeholders, with the aim of ensuring that the sample would have broad and diverse experience and knowledge of asset transfer requests.

3.3.1. Sampling of relevant authorities

Relevant authority interview participants were identified following the collation and analysis of relevant authority annual reports for the period 1st April 2017 to 31st March 2018, during Stage 1. Using information from the annual reports, we mapped out asset transfer request activities and identified key people responsible for asset transfer requests within relevant authorities. The selected participants occupy roles that are core to the development and delivery of asset transfer request processes within relevant authorities (Table 2).

Table 2 Interviewees per relevant authority (RA)

RA code	RA type	Number of interviewees
RA 1	Local authority	1
RA 2	Local authority	1
RA 3	Local authority	2
RA 4	Local authority	1
RA 5	Scottish Ministers/Other	1
RA 6	Education	1
RA 7	Transport	2
RA 8	Other	1
RA 9	Scottish Ministers/Other	1
RA 10	Scottish Ministers	1
RA 11	Health	1
	Total	13

Although it was clear from the annual reports that the majority of asset transfer requests were received by relevant authorities (further information provided in Section 4.2), the sample was designed to include a range of relevant authority types (including local authorities, further education (colleges), regional transport partnerships, Scottish Ministers and ‘other’). The sample was also chosen to reflect

the range of overall levels of asset transfer request activities. At the time of interviewing, two relevant authorities had not received any asset transfer requests. Another relevant authority had not received any *formal* applications at the time of the interview but noted, through their annual report, that they were involved in active discussions surrounding asset transfer requests and had received a number of enquiries. Given the significant scale of work undertaken prior to the submission of an asset transfer request, these relevant authorities were included in order to gain a fuller picture of the level of asset transfer request activities across Scotland.

3.3.2. Sampling of community transfer bodies

Overall, five community transfer bodies were included in the sample. To identify community transfer bodies for inclusion in the research, we followed a process in order to generate a list of possible case studies (see below). This process was conducted during Stage 1 of the evaluation as part of the secondary data analysis (Table 1):

- To identify community transfer bodies that would form the basis of the case studies, sampling began with an overview of the level of asset transfer activities across the different types of relevant authorities.
- Each relevant authority with experience of asset transfer requests was tabulated in order to identify the numbers of applications within each relevant authority. This generated a list of possible community transfer bodies to include in the sample.
- To identify potential community transfer bodies for case studies, the sampling parameters were narrowed to exclude asset transfer requests where decisions were ongoing and to focus on asset transfer requests where decisions had been confirmed.
- Each asset transfer request was categorised according to whether they were accepted or rejected; the type of asset requested; whether the request was for lease, ownership or management; and the SIMD decile associated with the postcode of the asset.

The final list, presented in Table 3, was selected to include representation across SIMD, type of asset, and rights requests (i.e. lease or ownership). This ensured that community transfer bodies represented a variety of experience and context.

Table 3 Community transfer bodies (CTBs) – sample

CTB code	Whether ATR was accepted or refused	Asset type	Lease/ ownership	Asset SIMD
CTB 2	Accepted	Land	Ownership	6
CTB 7	Accepted	Building	Lease	10
CTB 9	Refused	Land	Ownership	3
CTB 10	Accepted	Building and land	Lease	8
CTB 11	Accepted	Building	Ownership	3

Three community transfer bodies listed in Table 3 were unable to participate in the study:

- CTB 9 did not want to take part as they had previously participated in research surrounding asset transfer requests. As a small, mainly volunteer-run organisation, they had limited capacity to be involved.
- The asset transfer of CTB 10 was concluded outside of the Act and beyond the scope of this evaluation.
- Following three attempts via email/ phone, there was no response from CTB 11.

After discussions with the Scottish Government, community transfer bodies 9, 10 and 11 were replaced with other community transfer bodies (Table 4). A revised sampling strategy was adopted to ensure that the sample included an asset transfer request received by a non-local authority relevant authority. The three alternative community transfer bodies were identified during Stage 2 of the evaluation as part of the secondary data analysis (Table 1). As such, the revised sample included community transfer bodies whose asset transfer requests were captured in 2018-19 annual reports.

Identifying potential interviewees from the wider community to explore the impacts of asset transfer requests was problematic because many asset transfers were still in progress, which means that it was not yet possible to assess the impacts of the transfer. Although all the selected case studies had received a final decision, not all of the assets had been officially transferred. Only two transferred assets were in use and running services during the evaluation. To address this, we identified a larger sample of community transfer bodies to participate in the research (Table 4).

Table 4 Community transfer bodies (CTBs) – amended sample

CTB code	Relevant authority	Accepted/refused	Asset type	Lease/ ownership	Asset SIMD
CTB 1	Other	Refused	Building	Lease	5
CTB 2	Local Authority	Accepted (Also submitted a PR)	Land	Ownership	6
CTB 3	Local Authority	Accepted	Building	Ownership	2
CTB 4	Local Authority	Accepted	Building	Ownership	2
CTB 5	Other	Accepted	Land	Ownership	6
CTB 6	Local Authority	Accepted	Building	Ownership	2
CTB 7	Local Authority	Accepted	Land	Lease	10
CTB 8	Other	Accepted	Land	Ownership	5

From this sample of community transfer bodies, interviews were carried out with 15 community members directly involved in asset transfer requests. In addition, three participant observations (events/ meetings) were conducted (Table 5).

Table 5 Community transfer body interviewees and meetings/events attended

CTB name	Number of interviewees	Participant observations (meetings/ events attended ⁹)
CTB 1	1	0
CTB 2	5	1
CTB 3	2	0
CTB 4	2	0
CTB 5	1	0
CTB 6	2	1
CTB 7	1	0
CTB 8	1	1
Total	16	3

3.4. Analysis

3.4.1. Analysis – primary data

The interviews were audio-recorded and transcribed verbatim. All interview participants, and their respective relevant authorities/ community transfer bodies, were anonymised. Framework analysis was used to analyse both the interview transcripts and fieldnotes. This method is frequently used in applied policy research and aims to assess the impact of a policy as well as understand the ways in which a policy is implemented¹⁰. Using framework analysis helped the research team to identify connections within the data and answer the research questions.

The thematic framework was informed by the Theory of Change developed by Myers *et al.*'s Evaluability Report (2017). As described at Table 1, the final stage of the evaluation focused on modifying and adding further details to create a revised Theory of Change based on primary and secondary data. As encouraged within a framework analysis approach, the framework was continually revised and refined to ensure it reflected the themes within the data.

Qualitative data were analysed in NVivo, a qualitative data analysis computer software package, to capture descriptive information surrounding the actions undertaken to support and promote the use of asset transfer requests. Given the non-standardised form of the reports, NVivo was particularly useful in capturing

⁹ During these meetings and events, informal interviews were carried out with attendees and fieldnotes were taken.

¹⁰ Srivastava, A. and Thomson, T. 2009. Framework Analysis: A Qualitative Methodology for Applied Policy Research. *Journal of Administration and Governance*. 72. Framework analysis uses a five stage process (Familiarisation; Identifying a thematic framework; Indexing; Charting; Mapping and interpretation) and involves sifting, charting and sorting gathered data in accordance with key issues and themes.

additional information included in some relevant authority reports (e.g. descriptions of asset transfer request procedures).

3.4.2. Analysis – secondary data

Quantitative data were extracted from the reports and analysed in SPSS, a software package that supports statistical data analysis. The analysis synthesised the number of asset transfer requests that were received and the various asset transfer request outcomes. Relevant authorities were categorised by type (for the full list of relevant authorities and the categorisation see Appendix 1). The data collated and analysed from annual reports submitted in 2017-18 and 2018-19 were also used to identify patterns and trends across the reporting periods.

Further, the Scottish Government Guidance on asset transfer requests (2017) published for relevant authorities was used to assess the content of the report (e.g. in terms of what may be missing in the reports). This enabled consideration of the extent to which this part of the Act is being implemented as intended.

Application forms, business plans and decision notices were analysed to supplement data within the annual reports. Details of the organisation submitting the asset transfer request, the location of the asset being requested and the purpose of the asset were coded in order to build a database of all asset transfer requests submitted across the two reporting periods. Given that the annual reports are publically available documents, these data were not anonymised.

3.5. Ethical considerations

A member of the research team provided all participants with an information sheet detailing the aims and purposes of the research. These sheets made clear that participation was voluntary and participants could withdraw from the study at any stage. Participants were given an opportunity to ask questions about the study before deciding whether to take part. In the case of telephone interviewees, verbal agreement to take part was audio recorded at the beginning of the interview. Face-to-face interviewees signed consent forms. All data has been anonymised with no personal details divulged in research outputs. We approached one community transfer body during the evaluation, seeking permission to present their asset transfer request as a case study. We explained that, outwith the specific case study section of the evaluation, their responses would remain anonymous. The community transfer body provided written consent to present their asset transfer request as a case study.

4. Level of asset transfer request activity

This section presents data on the scope and scale of asset transfer request activities across Scotland between 2017 and 2019, detailing the reported figures and potential trends and common themes relating to asset transfer requests.

4.1. Annual reporting figures

Part 5 of the Act requires that relevant authorities publish annual reports detailing the activity undertaken in relation to asset transfer requests. Although there is no standardised form for reporting, the Act states that annual reports must include:

- Number of asset transfer requests received
- Number of asset transfer requests agreed
- Number of asset transfer requests refused
- Whether agreed asset transfer requests relate to ownership, lease or conferral of rights
- Whether there have been any appeals and/or reviews and the outcomes
- Action taken to promote asset transfer requests and to support communities to make asset transfer requests

In the following sections, we present data on the number of reports received in 2017-2018 and 2018-2019. Data from authorities classed as Scottish Ministers are reported separately from other relevant authority data. The rationale for this separation is provided at Section 4.1.2.

4.1.1. Relevant authorities (excluding Scottish Ministers)

This section reports on annual reporting figures of local authorities, health boards, regional transport partnerships, further education (colleges) and 'other' relevant authorities. Despite their statutory duty, in the periods 2017-2018 and 2018-2019, not all relevant authorities submitted annual reports. In 2017-2018, of the 86 relevant authorities required to publish asset transfer request activities, 55 submitted full reports or informal numeric data to the research team. Thirty-one (31) did not share any data. Therefore, 64% of relevant authorities submitted reports for the period 2017-2018. In 2018-19, of the 86 relevant authorities required to publish asset transfer request activities, 37 submitted full reports or informal numeric data to the research team, 43 did not share any data and six stated that they had no assets and queried their inclusion in the legislation (Table 6). Therefore, annual reports were received from 43% of relevant authorities in 2018-2019. This shows a reduction in the submission of annual reports and suggests that further work is required to ensure that organisations are aware of their duty to report and the importance of doing so.

Table 6 Data submitted by relevant authorities (excluding Scottish Ministers)

	2017-2018			2018-2019		
	Report/ Informal data submitted	RA reports it has no assets	No response from RA	Report/ Informal data submitted	RA reports it has no assets	No response from RA
Totals	55	0	31	37	6 ¹¹	43

The response rates (including formal and informal submissions of asset transfer request data), broken down by relevant authority type, are provided at Table 7. The rate of reporting reduced across the periods for all relevant authority types. Note that five regional transport networks stated that they had no assets in 2018-2019, resulting in a considerable reduction in reporting.

Table 7 Response rate by relevant authority, formal reports and informal submissions

	2017-2018	2018-2019
Local authorities	78%	69%
Health boards	50%	32%
Education	53%	27%
Transport networks	100%	14%
Other	40%	30%
Overall response rate	64%	43%

4.1.2. Relevant authorities – Scottish Ministers

The Act also specifies that land or buildings owned or in the care of Scottish Ministers are subject to the legislation¹². Yet, despite inclusion in the list of relevant authorities, the number of Scottish Ministers submitting annual reports was low across both periods, particularly when compared to other relevant authorities.

¹¹ Five Regional Transport Networks and one Health Board reported that they had no assets.

¹² Although Scottish Ministers are included in the legislation, prior to this evaluation, there was no existing central list of bodies under this heading for the purpose of asset transfer. At the outset of this evaluation, the Scottish Government conducted an exercise to establish the appropriate bodies concerned. During the evaluation, it became apparent that some of these bodies did not own properties in the care of Scottish Ministers. Towards the end of this evaluation, the Scottish Government amended the list of Scottish Ministers to be included in the legislation (this is presented at Appendix 3). It is expected this list will fluctuate as properties in the care of Scottish Ministers change over time. For the purpose of this evaluation, the original list of Scottish Ministers (presented at Appendix 1) is used. Future analysis should use the amended list.

Scottish Ministers data is reported separately from the other relevant authorities in order to highlight the propensity for Scottish Ministers to query their inclusion in Part 5 of the Act and the need for clarification in defining ‘Scottish Ministers’ in relation to asset transfer requests. In 2018-19, there were 62 organisations on the list of Scottish Ministers. Table 8 shows that of these 62 organisations, five submitted full reports, four responded to state that the organisations held no assets and five queried whether or not they were covered by the Act. Forty-eight Scottish Ministers did not respond. These numbers are comparable to 2017-2018, where three Scottish Ministers submitted full reports, four indicated that they held no assets and 55 did not respond.

Table 8 Data submitted by Scottish Ministers

	Annual reports 2017-2018				Annual reports 2018-2019			
	Report	No assets	Not an RA	No response	Report	No assets	Not an RA	No response
Totals	3	4	0	55	5	4	5	48

In the subsequent sections, the numerical data derives from the annual reports and informal submissions collated through the evaluation, submitted by relevant authorities, including Scottish Ministers.

4.2. Number of asset transfer requests received 2017-2019

Table 9 summarises the number of asset transfer requests received, the types of relevant authorities which submitted each request (see Appendix 1 for types of relevant authorities) and the status of the request¹³. For the purpose of comparison, data are shown for both reporting periods.

Given inconsistencies in reporting, identifying exact levels of received asset transfer requests was problematic. The Scottish Government Guidance on asset transfer

¹³ The statuses set out in Table 9 are explained as follows:

- Agreed: The asset transfer request has been agreed by the relevant authority;
- Refused: the asset transfer request has been refused by the relevant authority;
- Transfer: asset transfer requests resulting in the transfer of an asset;
- Appeal: The community transfer body is appealing the decision made by the relevant authority;
- Review: the community transfer body is seeking a review of the decision.

A community transfer body can seek a review or appeal in certain circumstances. These circumstances and full information on reviews and appeals is given under Section 17 in the Scottish Government Guidance on asset transfer requests (2017) for community transfer bodies.

requests (2017) for relevant authorities outlines the procedure that a relevant authority should follow when it receives an asset transfer request. This procedure, which must be followed before a request is validated, details a number of steps for both the relevant authority and community transfer body to complete (see Appendix 2). However, for the period 2017-2018 it was unclear whether transfers had progressed to validation.

Table 9 Number of asset transfer requests across relevant authority types

RA type	Year	ATRs Received		Agreed		Refused		Transfer		Appeal		Review	
		17/18	18/19	17/18	18/19	17/18	18/19	17/18	18/19	17/18	18/19	17/18	18/19
Local authorities		49	64	31	39	3	6	1	8	-	-	1	-
Health boards		2	6	-	-	-	-	-	-	-	-	-	-
Further education (colleges)		-	-	-	-	-	-	-	-	-	-	-	-
Regional transport partnerships		-	-	-	-	-	-	-	-	-	-	-	-
Other		-	5	-	1	-	-	-	1	-	-	-	-
Scottish Ministers		7	6	2	8 ¹⁴	1	-	-	6	-	-	1	-
Totals		58	81	33	48	4	6	1	15	-	-	2	-

In 2018-2019, 81 asset transfer requests were received across all the reporting relevant authorities, which *suggests* an increase in activity since 2017-2018 (n=58). However, due to the low levels of annual reporting about asset transfer requests by relevant authorities, this finding should be treated with caution. In 2018-2019, 48 applications were agreed and six were refused. Two relevant authorities reported that five asset transfer requests had been withdrawn and/or paused. This category was used inconsistently across the reports but is used here to understand the range of outcomes that follow the submission of an asset transfer request.

Further inconsistencies in reporting surround the introduction of a pre-application stage. The Scottish Government Guidance on asset transfer requests (2017) states that, as part of an asset transfer request process, an initial pre-application stage may be beneficial as 'community bodies would then know whether they had support from the relevant authority before undertaking the substantial work to produce a full asset transfer request, or applying for funding' (Scottish Government 2017, p.27). Where

¹⁴ The higher number of accepted asset transfer requests as compared to the number of received asset transfer requests is due to some 2017-2018 applications being accepted in the subsequent period (2018-2019).

relevant, some relevant authorities reported on activity at the pre-application stage. In 2018-2019, 14 relevant authorities stated that they had asset transfer requests at pre-application stage, either in the form of a 'stage 1' application or an 'expression of interest'. As five of these relevant authorities were yet to receive formal applications, a nil return under the headline figures does not mean that there is no interest nor activity related to asset transfer requests within those relevant authorities. Over time, it would be useful to explore the reasons that asset transfer requests do or do not progress from the pre-application stage, in order to understand some of the barriers and enablers of asset transfer requests.

4.2.1. Factors influencing low asset transfer request levels – nature of assets

According to some relevant authorities, a relatively low level of asset transfer request submissions is a result of the nature of their assets: for example, one relevant authority has assets that are mostly nature reserves in rural, isolated areas. The relevant authority considers that these are less attractive to communities when compared to buildings in close proximity to more urban areas. Similarly, a transport relevant authority (RA 7) argued that their assets are either excluded from the legislation (transport infrastructure), in full use, or of little value to community groups. Expanding on this last category, RA 7, which has received no asset transfer requests, states their assets are not necessarily suitable or desirable for asset transfer: they include small pockets of 'insignificant' land or transport turning circles.

"If we were to more widely advertise then it might generate an interest that, with the best will in the world, would just create an expectation that couldn't really be met." (RA 7)

Other stakeholders also noted that the majority of the assets owned by the relevant authority are used regularly and central to service delivery. As a result, it would be unlikely that an asset transfer could be offered:

"Our facilities are, in the main, utilised probably about 80-90% so we don't have excess assets ... we run night classes as well so it's difficult to see where exactly it would all fit in to the bigger side, particularly in the asset transfer." (RA 6)

4.3. Trends in asset transfer request activity

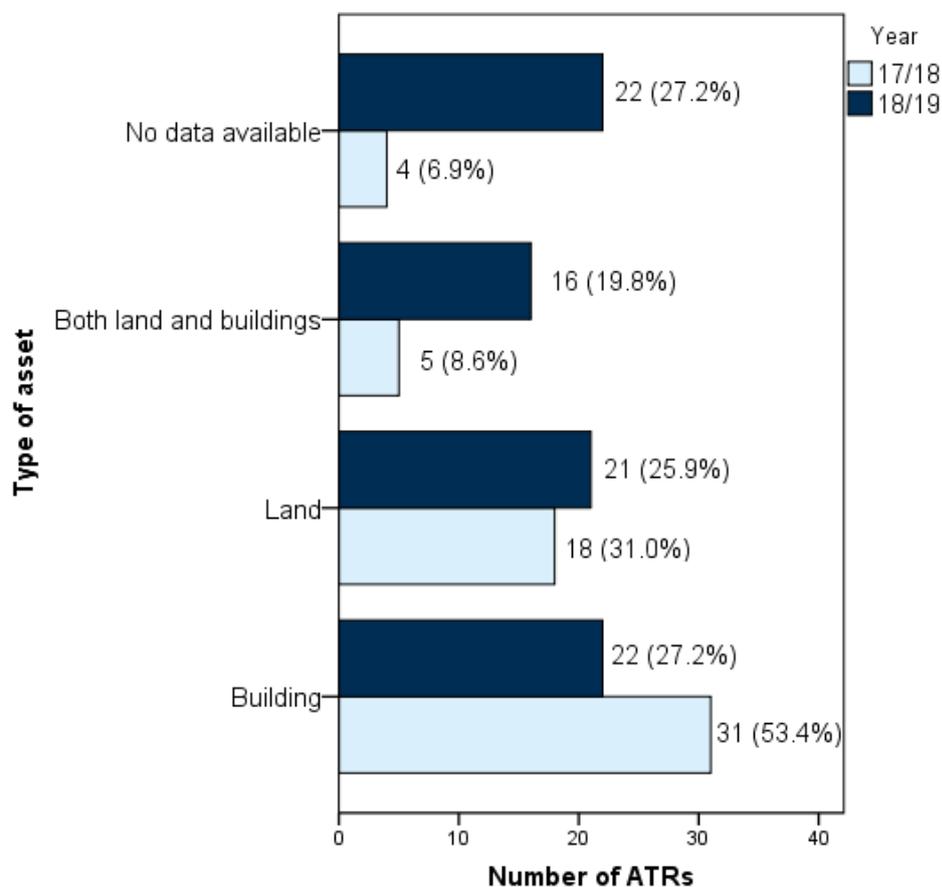
Using the data collected, this section presents some common themes and possible emerging trends in asset transfer request activities in terms of the focus on local authorities; geographical spread; types and the purpose of assets requested.

Local authorities received the highest number of asset transfer requests (n=49 (84%) and n=64 (79%) in 2017-2018 and 2018-2019, respectively) (Table 9). Across both reporting periods, no applications were received by colleges or transport networks. Six applications were made to health boards and five to relevant authorities

categorised as 'other'. The significantly high numbers of asset transfer requests submitted to local authorities, in comparison with other relevant authorities, may suggest a need to raise awareness that public bodies other than local authorities -- including health boards and transport networks -- are also included within the asset transfer request legislation. This is an area that may require further exploration to understand asset transfer request trends in more detail.

Figure 2 shows that in the period 2017-2018, 31 requests were made for buildings (representing 53.4% of all requests in 2017-2018), compared to 22 (or 27.2%) in 2018-19. The number of requests for both land and buildings was 16 in 2018-2019 compared to 6 in 2017-18. Twenty-six requested assets (four in 2017-2018 and 22 in 2018-2019) were not categorised and are labelled as 'no data available'.

Figure 2 Type of asset requested

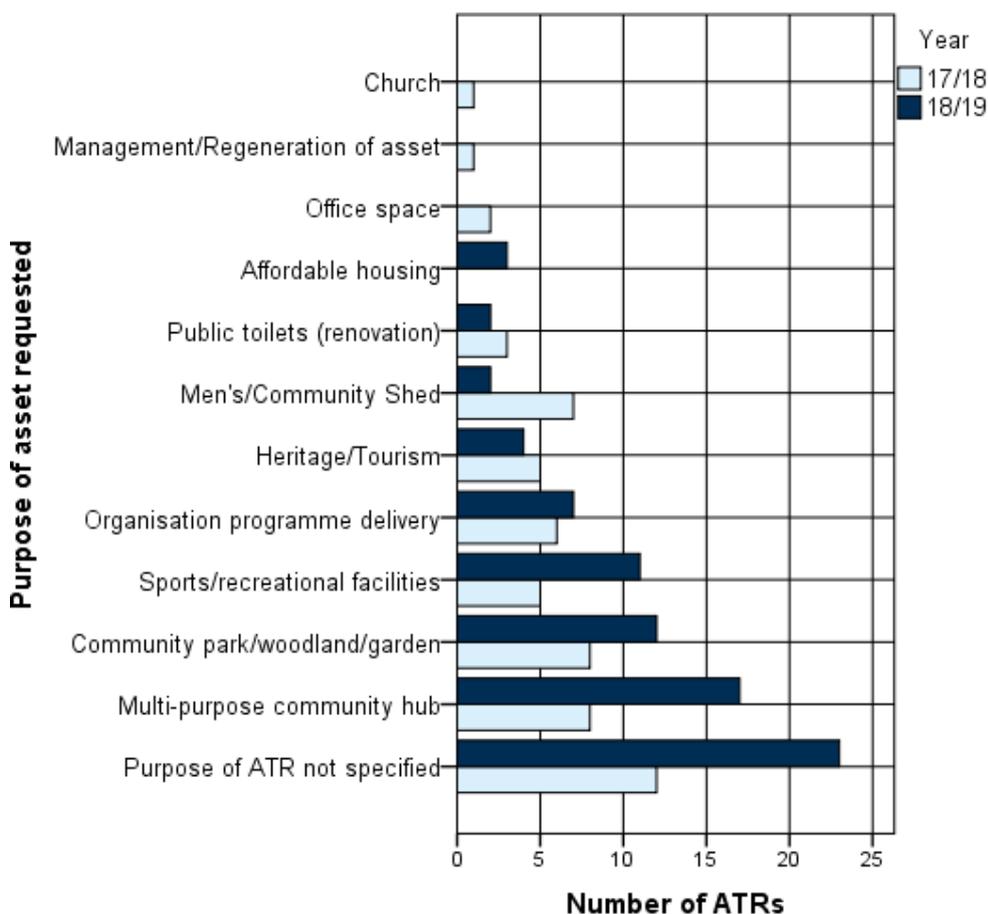


Asset transfer requests were submitted by community groups to fulfil a range of intended purposes. The evaluation team developed a categorisation of the asset transfer requests according to their proposed purposes (Figure 3). In the period of 2017-2018, higher numbers of applications were made for assets for the purpose of community hubs (n=8), community parks/woodlands (n=8), and men's/ community sheds (n=7). From the available data, in the period of 2018-2019, a high number of applications for assets for the purpose of running community hubs (n=17), community parks/woodlands/gardens (n=12) and sports/recreational facilities (n=11)

were submitted. There has been consistent interest in assets for these purposes across both periods.

Other purposes include renovation of public toilets (n=2, in both periods), heritage/tourism (n=5 in 2017-2018 and n=4 in 2018-2019) and organisational programme delivery (n=6 in 2017-2018 and n=7 in 2018-2019). A new purpose which emerged in the 2018-2019 reports is affordable housing (n=3). Figure 3 also shows that the purpose of 35 assets (n=12 in 2017-2018 and n=23 in 2018-2019) was not provided; they are labelled as ‘purpose of asset transfer request not specified’.

Figure 3 Purpose of asset requested



The data presented here includes only the primary purpose of the asset, which provides a good overview of activity but does not show the full extent of how the assets are being or will be used. For example, a secondary purpose for many of the proposed community hubs was reported as an office space for the community transfer body. Another example of assets having multiple purposes relates to applications for the renovation of toilets: some included additional tourist facilities for campers. The applications for assets to help support organisational programme delivery included the extension of childcare services, social care facilities and

environmental projects. Two asset transfer requests under 'sports/ recreational facilities' also intended to provide employability training programmes as part of the renovation and development of the buildings, while another asset transfer request intended to generate disparate benefits for three different groups of people. These examples show that there are a wide range of supplementary purposes beyond those illustrated at Figure 3, indicating real potential for asset transfers to have a positive impact on community access to services.

4.4. Geographical spread of asset transfer requests

The postcodes of assets listed in annual reports (2017-2018 and 2018-2019) were collated, including assets which were either accepted, refused, had no decision or withdrawn. These were mapped to explore the geographical spread of asset transfer request submissions. While there is a concentration of asset transfer requests in central Scotland, submissions were fairly wide spread (Figure 4). The light blue pinpoints denote assets listed in reporting period 2017-2018 and the darker blue pinpoints denote assets listed in reporting period 2018-2019. The postcodes of assets that have been *accepted* for transfer are mapped in mapped in Figure 5. The light blue pinpoints denote assets accepted for transfer in reporting period 2017-2018 and the darker blue pinpoints denote assets accepted for transfer in reporting period 2018-2019.

Figure 4 Assets requested for transfer by postcode, 2017-2019

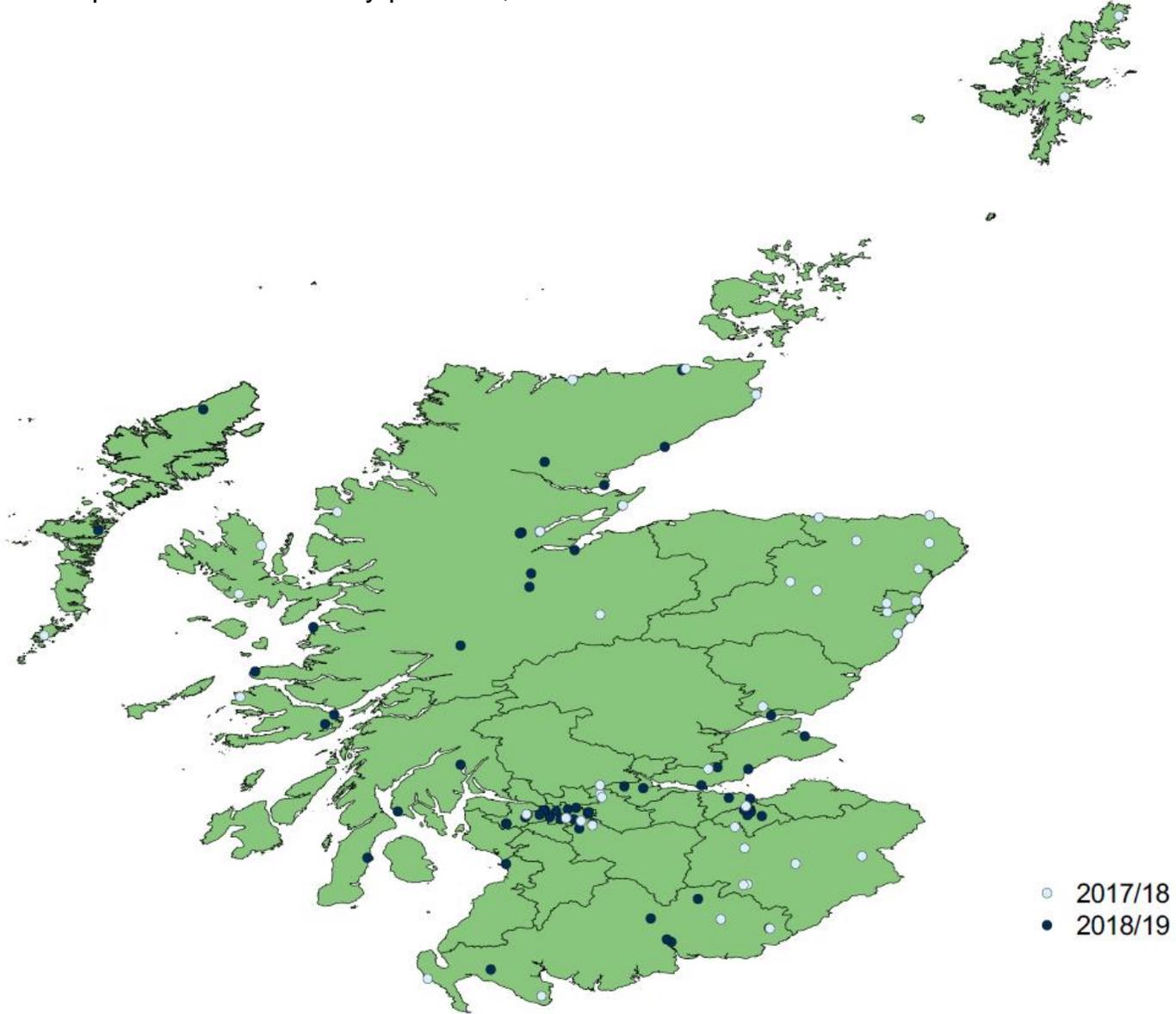
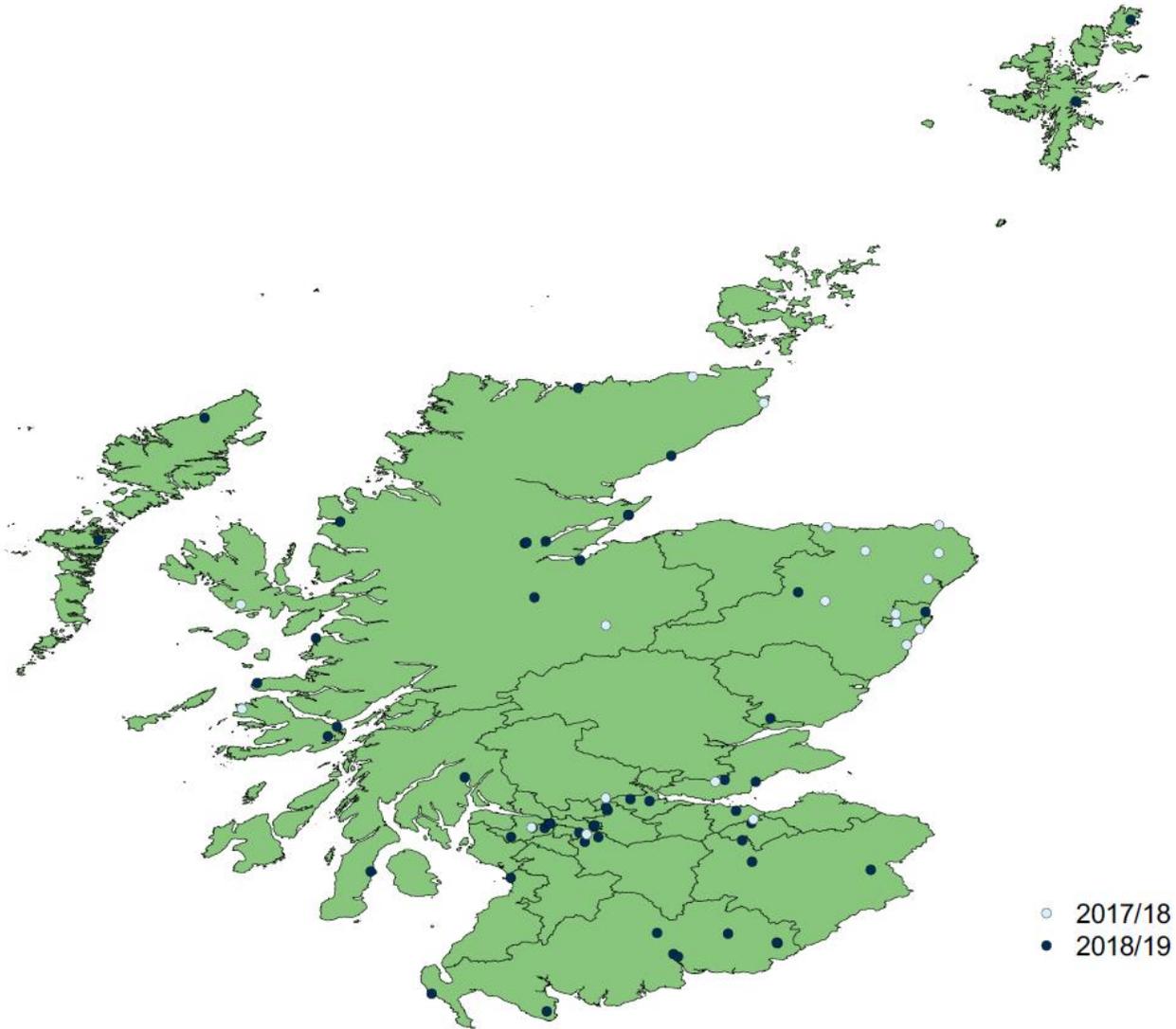


Figure 5 Assets accepted for transfer by postcode, 2017-2019



4.5. Scottish Index of Multiple Deprivation and asset transfer requests

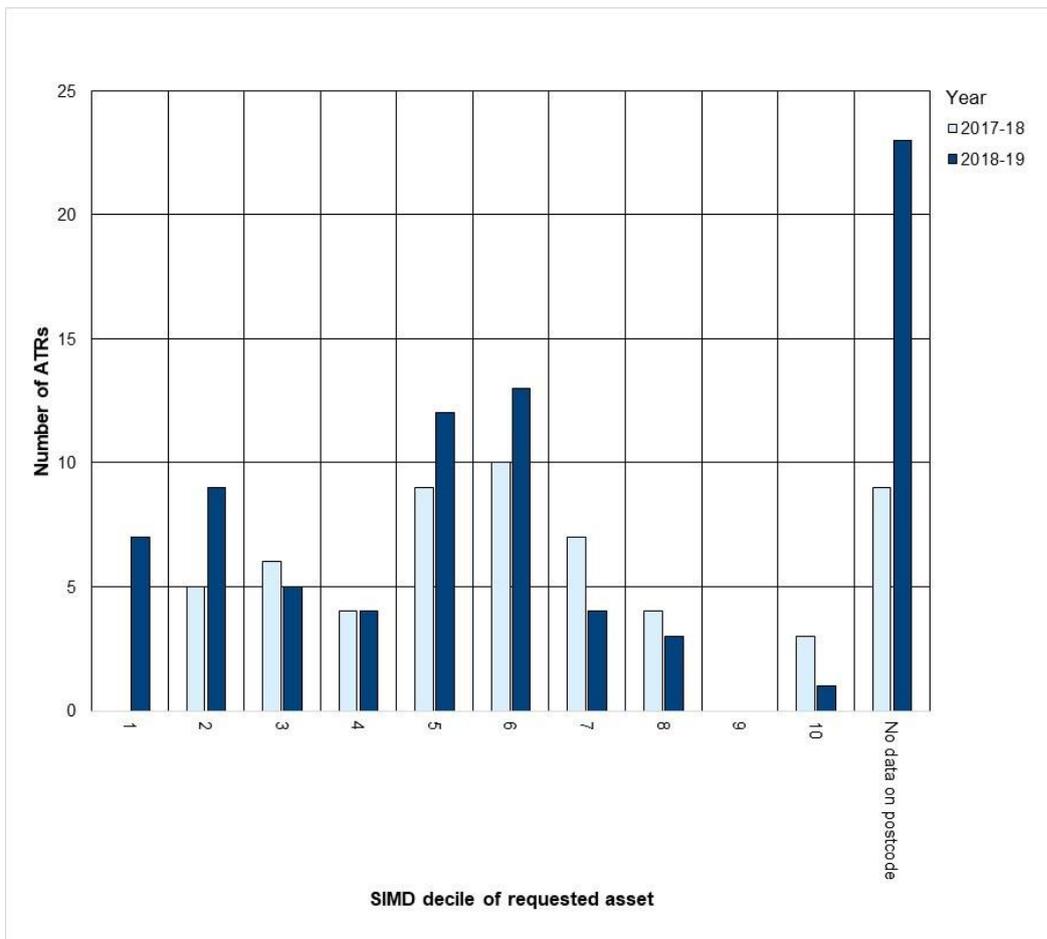
SIMD is a relative measure of deprivation across Scotland. It can be used by organisations to target areas where they may have the biggest impact in terms of addressing specific inequalities. By drawing on available data from the annual reports and asset transfer request decision notices, it was possible to identify the postcode of the asset transfer requests in order to map them onto Scottish Index of Multiple Deprivation (SIMD) data. SIMD uses data related to employment, health, education, housing, access and crime to rank small geographical areas from most to least deprived. Whilst limitations surround SIMD¹⁵, it does provide an indication of deprivation levels in areas where asset transfer requests are being applied. In turn, this may help better understand the potential for impacts on inequalities. Figure 6 displays the number of assets requested in each SIMD decile, with the most deprived areas being decile 1 and the least deprived being decile 10¹⁶.

While the limited data makes it difficult to identify a clear pattern, available data suggests a spread of requests across areas of differing SIMD level. The numbers of asset transfer requests were significantly higher in the three most deprived deciles than in the three least deprived deciles. Given that requests are being made to transfer assets in relatively deprived areas, this indicates a potential for a positive impact on the local services available in more deprived communities. Future evaluations, considered over longer periods with a more comprehensive set of data, may consider this further.

¹⁵ <https://www.isdscotland.org/Products-and-Services/GPD-Support/Deprivation/SIMD/>

¹⁶ The deciles range from 1 (10% most deprived areas) to 10 (10% least deprived).

Figure 6 Number of asset transfer requests by SIMD of asset location



5. Implementation of asset transfer requests

This section focuses on the implementation of asset transfer requests, considering whether, how and to what extent Part 5 of the Act is being implemented as intended in the legislation and guidance. Specifically, this section considers progress made by relevant authorities since the introduction of Part 5 of the Act and reports on the challenges of implementation. Finally, it identifies actions taken to promote awareness and provide support, particularly to disadvantaged groups.

5.1. Processes and challenges within relevant authorities

All relevant authorities within the sample were employing guidance documents and legislation to support the design of the asset transfer request process. Some relevant authorities had existing processes in place to transfer assets to communities developed prior to the introduction of the Act and were working to incorporate the new legislation to ensure compliance. Other relevant authorities had no existing processes in place and were working to introduce new procedures in-line with the legislation. In some cases, developed processes and procedures, including assessment templates and matrices, were tested on early asset transfer requests and, where necessary, steps had been taken to review the processes developed.

One of the challenges highlighted by relevant authority stakeholders was the lack of sufficient resources to support and raise awareness of the Act. The reasons for this varied across different types of organisations. Some relevant authority stakeholders, for example, suggested that resource allocations should relate to the core purpose of the organisation: when considering asset transfer requests, an educational relevant authority sought to prioritise delivery of community-based education, for instance.

Conversely, a representative from a national asset transfer support organisation highlighted that despite reduced resources, a number of relevant authorities have committed to supporting asset transfer requests. At the same time, other relevant authorities, facing the reduction of community learning and development (CLD) teams, indicated that limited resources constrain opportunities to work closely with communities on initiatives such as asset transfer requests.

“The level of service across support services for community groups across the country is mixed. So, in some areas it’s been quite extensive support. So, in [relevant authority] for example they pulled together a team from across the [relevant authority]. That was before the Community Empowerment Act and that team continues to support community groups. [There are] other areas where there is very little support on the ground. Some of the local authorities have retained their community learning and development teams. Others are just a shadow of their former selves.” (Key Stakeholder)

It is possible that an outcome of relevant authorities being overstretched, with fewer opportunities to engage with communities, explains interviewee comments surrounding how well relevant authorities understand the Act.

“We were the ones that were telling the council how the Act operated. We had to bring to their attention that there was a process it was laying down. If we just worked our way through the process, everything would be alright. So, they didn’t even know... the officials’ ignorance of the Act was unbelievable. They were just making things up or omitting.” (CTB 2)

Another challenge associated with the implementation of Part 5 of the Act was reflected in misunderstandings about the purpose of asset transfer requests. Relevant authority stakeholders highlighted that, among some community groups, asset transfer requests were perceived as means through which organisations can buy assets at a low cost:

“The other misconception that’s out there is that it’s a free property giveaway.” (RA 3)

“There’s this perception that asset transfer is a cheap way to buy assets.” (RA 9)

“It shouldn’t be a case of everybody just gets everything for one pound... everybody thinks they should get it for one pound.” (RA 4)

This perception – that asset transfer request is a route through which to gain free or ‘cheap’ assets – represented a challenge for some relevant authorities as they sought to alter the perception of asset transfer requests amongst relevant stakeholders. However, this was not the case across the entire sample: two interviewees stated that, in practice, there was no evidence of this happening:

“I’m not being overrun by folk thinking, ‘here’s a way to get an asset on the cheap’, so I’m heartened by that.” (RA 1)

5.2. Developing assessment processes

The asset transfer request process requires a two stage decision-making process: firstly, the decision to accept or refuse an asset transfer request and, secondly, a decision about what level of discount should be offered to a community in order to purchase the asset (i.e. ‘best value’). Learning between relevant authorities was a key part of implementing asset transfer request policy; while one relevant authority relied on independent surveyors to provide an asset valuation, several of the

stakeholders had made use of a scoring matrix developed by Forestry Enterprise¹⁷ which aided certain aspects of decision-making. Specifically, the matrix had provided relevant authorities with a transparent process for assessing whether to accept or refuse an asset transfer request. However, relevant authorities said that they found basing decisions on ‘best value’ considerations to be a far more complex process. The Scottish Government Guidance on asset transfer requests (2017)¹⁸ was considered moderately helpful and referenced throughout discussions with relevant authority stakeholders. Nevertheless, relevant authorities felt that greater clarity on aspects of best value assessment is required:

“There’s some bits of it when it [the Scottish Government Guidance on asset transfer requests] gets into best value and financial considerations. It’s quite complicated and quite confused, and I found it quite difficult to take all that advice and guidance and actually come up with, ‘okay, how do you do it in practice’, because ... it talks around the issues but it doesn’t really give you anything to work on and that’s where I’ve definitely benefited from the structure put in place for asset transfer in Forest Enterprise.” (RA 9)

Although the guidelines for best value as outlined in the Scottish Government Guidance on asset transfer requests (2017) were the basis for the scoring matrices used by all relevant authorities, respondents felt that more specific examples would assist relevant authorities in the decision-making process. Given their experience and high level of engagement with asset transfer requests, Forestry Enterprise participated in a Community Ownership Support Service (COSS) event which was thereafter cited by a number of relevant authority stakeholders when developing their own decision-making processes. Some relevant authorities within the sample have taken a different approach from Forestry Enterprise¹⁹.

One particular difficulty highlighted by all the relevant authorities in the sample was the complexity of the best value assessment and the need to quantify community benefits in order to decide the level of discount offered to community transfer bodies. For example, one relevant authority noted the longer-term impacts that asset transfer request might deliver and how that might be calculated in the short term:

“I’ve got an asset value, let’s say it’s £50,000 for this asset, they want it for £1...so I need to see what the benefits are and I need to try and score that in some mechanism, and it’s difficult. That is the most difficult part. It’s how do you score health and wellbeing? Some say, ‘No, but it’ll be good for the

¹⁷ Forestry Enterprise Scoring Matrix available: <https://scotland.forestry.gov.uk/images/corporate/pdf/cats-evaluation-panel-assessment-may-2017.pdf>

¹⁸ Scottish Government. 2017. Asset Transfer under the Community Empowerment (Scotland) Act: Guidance for Relevant Authorities. Available at: <https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-relevant-9781786527493/>

¹⁹Alternative matrix: https://www.highland.gov.uk/downloads/file/19462/community_asset_transfer_assessment_framework

community because they're offering a healthy option', or something like that, a 'healthier option'. Okay, but how do I score that? Is it a case of life expectancy is going to increase in [name of community] because of what these guys are doing? When am I going to find that out? I'm not going to find that out now. I'm going to find... I might find that out in 20 or 30 years... so it's difficult for me to score that.” (RA 4)

Indeed, among the relevant authority participants, there was recognition that best value is not 'necessarily financial'; rather, it must take into account added value and long-term benefits 'for everybody' (RA 3). One relevant authority, RA 10, used the best value assessment as a mechanism through which communities are encouraged to consider the ways in which their asset transfer request might seek to address inequalities. In assessing the level of a discount offered, RA 10 highlighted ways in which an asset transfer request could offer an opportunity to deliver services to marginalised or deprived communities:

“If communities want a discount, it's like [they should] demonstrate social benefit... So, for example, with [Community A] they're saying 'people with mental health benefits using the woodland is a good thing'. Yes, it is, but there's lots of woodlands around there and people would use that woodland anyway. If you were working with a mental health project in [Community B (relatively more deprived)] with a specific programme of getting people out that wouldn't otherwise get out into the forest, that's the sort of thing you would look at a discount for. So, I do literally make that point and that is where Best Value comes in, in terms of tackling inequality... but, yes, I don't feel too bad about not giving [Community A] a great big discount because this is a nice project but you are not addressing social injustice here.” (RA 10)

5.3. Promoting awareness and providing support for asset transfer requests

The Scottish Government Guidance on asset transfer requests (2017) provided to relevant authorities states that it should be 'easy for community bodies to get information about the scheme and that all relevant officers are aware of it and can direct enquiries to the appropriate team' (Scottish Government, 2017, p.25). Relevant authorities have done this through a variety of means, discussed in this section.

All relevant authorities in the sample were taking steps to promote awareness of asset transfer requests. Information pertaining to promotion and support activities was included in the reports submitted by relevant authorities for the period 2017-2018 and 2018-2019 (Table 10). Note that the data presented here is based only on the annual reports submitted by relevant authorities (submission rates presented at Sections 4.1.1 and 4.1.2).

Table 10 Promotion activities reported by relevant authorities

Promotion activity	Number of relevant authorities reporting activity	
	2017-2018	2018-2019
Website	18	19
Publication of asset register	13	8
First point of contact for asset transfer requests	15	7
Internal training for RA staff	0	3
External information events	20	2
External training for public/stakeholders	0	2
Internal information events	10	0

Online information appears to be the most common form of promotion and support. Relevant authority websites included links to Scottish Government Guidance on asset transfer requests (2017), procedures and policies specific to the relevant authority and links to information offered by COSS. In addition, many websites provide information on already completed asset transfer requests. Across both periods, the publication of asset registers was commonly adopted to promote asset transfer requests. In 2017-2018, 13 relevant authorities published asset registers. In 2018-2019, only eight relevant authorities stated that they had published an asset register. However, from viewing websites, it is evident that this number is much higher than reported. Examples of external information sessions included co-hosted events with third sector agencies and events as part of Community Land Scotland Week. Examples of internal information sessions included sharing best practice within teams and across relevant authorities and regular meetings for feedback and learning on asset transfer request processes.

Other forms of support within the Scottish Government Guidance on asset transfer requests (2017) (e.g. the provision of 'sales packs'²⁰, sharing the cost of producing or commissioning new information, facilitating access to the site) were not reported by relevant authorities as being adopted to promote or raise awareness of asset transfer requests. Alongside specific information and awareness raising, five relevant authorities stated that they had held either internal or external training events. Examples included an e-learning module for citizens; organised training with relevant support agencies e.g. COSS; and relevant authority stakeholders' attendance at externally organised training events.

In 2018-2019, five relevant authorities submitted reports that included details of consultations and reviews undertaken or planned in relation to asset transfer request

²⁰ A sales pack may be provided by relevant authorities and contain information on properties to be disposed (for example, rateable value, size, planning restrictions, tenancy or occupancy agreements, asbestos reports etc.). See 7.31 in the Scottish Government Guidance on asset transfer requests (2017) for further information.

policies and processes. These included a survey of the organisations that have submitted asset transfer requests and stakeholder consultation events. A further example of how one relevant authority in the sample has committed to supporting asset transfer requests is the establishment of a Community Empowerment Fund. The purpose of the fund is 'to support the development of community organisations and build their capacity to undertake potential asset transfers'. The fund can be used to support the development of business plans for assets; develop the capacity of community organisations to manage and develop assets; and provide upfront investment in assets prior to or after transfer²¹.

5.4. Equalities and disadvantaged groups

One of the key objectives of the Act is to increase the participation of marginalised and disadvantaged groups. In their evaluability assessment, Myers *et al.* (2017) conclude that, if additional support is not provided to disadvantaged communities, asset transfer requests have the potential to exacerbate inequalities because more-advantaged communities will be better placed to utilise the provisions within the Act. As such, the Scottish Government is interested to explore the effect of asset transfer requests on inequalities. In order to do this the research team has looked at what the data can tell us about the pattern of take up and use of asset transfer requests among different community groups, and the resulting potential impacts on local inequalities.

Within the relevant authority annual reports, there were no references to inequalities in relevant authorities' approaches to promotion and support of asset transfer requests. However, this does not mean that no specific work is being carried out in relation to supporting marginalised communities to submit asset transfer requests. In line with the Scottish Government Guidance on asset transfer requests (2017), some reports made reference to the asset transfer request assessment criteria which include consideration of whether the request is likely to reduce inequalities of outcome.

The mapping of asset transfer requests against SIMD deciles set out in Section 4.5 indicates that asset transfer requests are being made across all SIMD deciles, and that they are being used more frequently by groups in the highest deprivation deciles than in the lowest deprivation deciles. While this does not tell us about inequalities of outcome, it does suggest that less-advantaged communities are actively using the provisions in the Act, and that asset transfer activity is not being concentrated in areas of higher advantage.

²¹ Adapted from online information forms on the local authority website: <http://www.renfrewshire.gov.uk/article/7544/About-the-Community-Empowerment-Fund>

6. Intermediate outcomes of asset transfer requests

This section explores the intermediate outcomes associated with the implementation of Part 5 of the Act. The outcomes identified within the Theory of Change by Myers *et al.*'s (2017) are 'increased community ownership', 'control and use of relevant authority assets'; and 'culture change within relevant authorities'. In addition to these outcomes, our evaluation identified further intermediate outcomes that might be associated with asset transfer requests: *increased obligations of community transfer bodies* and *community cohesion and capacity building*.

6.1. Increased community ownership, control and use

A key aim of the Act is to empower community bodies through the ownership or control of assets. In line with this aim, Part 5 of the Act enables communities to identify relevant authority assets and apply to own, control or use such assets to benefit the community. There is an expectation that community ownership, control or use of assets '*will support communities to drive change and achieve their own goals, lead to better services matched to local needs*'. These, in turn, should lead to better outcomes for communities (Myers *et al.*, 2017, p.23). The interview data gathered during this evaluation demonstrated evidence that supports these expectations.

6.1.1. Driving change, achieving goals

Some interviewees highlighted that asset transfer requests have allowed community transfer bodies to develop a degree of autonomy within their community – they are able to set goals, based on community needs, and take steps to achieve these independent of the local authority. Where they would previously approach relevant authorities ("*rather than having to keep going to the council: 'Can we do this, can we do that, can we do the other?'"* (CTB 4)), they no longer require the involvement of relevant authorities in setting and pursuing goals within their communities. Relatedly, some community transfer bodies felt that, when compared with relevant authorities, they are better placed to drive change and achieve goals.

"Putting assets in the community hands unlocks things that would take statutory bodies a very, very long time to get around to, if ever." (CTB 5)

"The clear, actually transformational thing for them is that a community has got an asset now. It's got a place the community can go that's theirs that they can do what they want." (RA 10)

Many community transfer bodies commented on local authorities being unable to take action to drive change within communities due to being under-resourced (previously raised at Section 5.1).

"[Local authority] are washing their hands of it, but I understand why they're washing their hands of things. They have no money." (CTB 3)

"What are we getting from this? It's going to be your building, you're going to be able to do what you want and nobody's going to interfere. That's what we're talking about, rather than having to keep going to the council. The council is not bothering because they haven't got the time or money to even think about it." (CTB 4)

Interviewees commented on the potential for community transfer bodies to achieve their goals in a timelier fashion, when compared to the slower speed at which relevant authorities are able to do things. Enabling wider democracy among community stakeholders through transferred assets helps to drive change and achieve goals that the community value:

"It gives people a bit of democracy. If you own something and... [my aim is to give the community] their own sense of pride and democracy." (CTB 6)

6.1.2. Intention to deliver better services for local needs

According to the perspectives of community transfer bodies, community groups are well placed to identify local needs and design and deliver services to address these needs. Asset transfer requests are a mechanism through which communities can achieve this.

"Sometimes you have to take things into your own hands and try and get on with it and if there's a challenge ... you need to go to [relevant authority] and say, 'Look, you're not doing your job here, can we do it? Can you give us something towards it?', even if it's on a service level agreement or we come to an agreement with them that we'll do it and they don't interfere with us." (CTB 3)

CTB 5 from a relatively remote region discussed conflicting council-wide and community priorities. They highlighted the relative insignificance of an issue affecting a smaller community to the wider population. For this community transfer body, the transfer of an asset has allowed them to develop a local solution 'to actually make a difference'.

"Communities being able to actually make a difference there, to effectively do things that you would have expected or hoped the statutory body might, makes a real difference... [relevant authority] priorities are based on where the need is, and [our] need on paper is tiny, so that is always going to be difficult to unlock." (CTB 5)

According to RA 4, community empowerment should, above all else, be 'about services and the delivery of services for the benefit of the community'. A community transfer body in a different area highlighted that their asset transfer had allowed them to offer valuable health services to the local community:

“We are going to be able to offer a whole new service because there’ll be a drop in centre, which there hasn’t been before, and...we’re going to have massage therapy, hopefully again physiotherapy... That’s our aim, is to provide a home, small, warm environment for people with disabilities, and it doesn’t have to be MS or anything, to feel quite welcome and easy to access and feel that it is part and parcel and somewhere they can come to and enjoy and bring the family and not feel isolated... As far as we are aware there is no drop in centre that’s available to anybody.” (CTB 4)

Another community transfer body, CTB 2, highlighted that they are now able to provide services and products that were previously unavailable at the local level (such as mental health services and youth clubs). Through the asset, CTB 2 was also making services accessible to wider groups including the elderly population that could not make use of sport centre facilities due to accessibility issues.

6.2. Relevant authority culture change

Part 5 of the Act gives communities an opportunity to take the initiative to identify assets of interest, and places a duty on relevant authorities to agree an asset transfer request unless there are reasonable grounds for refusal. As a result, Part 5 aims to shift the balance of power towards community bodies: asset transfer requests are a mechanism for changing relationships between relevant authorities and communities. This argument was supported by one relevant authority, who noted:

“The way the Act is written around asset transfer, it’s quite a useful tool in changing that power dynamic between agencies and communities.” (RA 9)

A process of culture change takes time and the introduction of Part 5 of the Act is relatively recent (January 2017). Clear evidence of culture change will only occur over time. There was evidence, however, that relevant authorities were taking steps to create change by challenging internal beliefs and values:

“As much as my job has been about outwardly creating things with communities, it’s been as much about challenging internal beliefs and cultures and values. Initially quite a lot of reaction from staff in other services about, ‘How can we possibly give away this valuable asset?’. So, a bit of hard stick with them by saying, ‘Well, that’s the legislation’, but a bit of more softer persuading type stuff... so, a lot of the persuading would be about trying to get them to see the bigger picture of the outcomes we’re trying to achieve and how transferring assets can help us achieve those outcomes.” (RA 2)

That being said, some relevant authorities and community transfer bodies highlighted that the culture of authorities can be a barrier to effective implementation of asset transfer request legislation. Most of the community transfer bodies indicated that they had experienced difficulties with relevant authorities during the asset

transfer request process. While one community transfer body described the relationship as 'hostile', others highlighted that authorities had been 'obstructive' and viewed asset transfer request inquiries as nuisances.

"I think that their aim all along was 'how can we get rid of this nuisance? This big-bearded-person that comes along and rattles on our cage'... maybe that's being a bit over-defensive. I felt it was a little bit, 'how can we get rid of him?'" (CTB 1)

"It's not easy and you're challenging a structure who does not want to change, who has a fear of losing jobs, of losing their roles." (CTB 2)

"I'm not knocking the council but, at times, they can be so obstructive." (CTB 6)

Another relevant authority indicated that communities are also adjusting to shifting power relations ("It's almost like, 'why would you give us that? Why would you help us?'" (RA 1)); they note that the asset transfer request process has generated 'a lot' of suspicion from one community member, in particular:

"[A member of the community]'s just clearly very suspicious about the council ... I'm pushing saying, 'look, this is the process. Basically, the expectation is a) we will help you and b) we will approve this. If you tick the boxes, if you can give us a business plan that shows you will be able to manage this asset properly, then it's yours. We're not going to suddenly say 'no' and we're not going to delay you for five years to do all that'. It's just funny to see that mind-set: council – bad, which is definitely there... They can be cynical at times about the council, in particular, but I do see that voluntary development and folk suddenly realising that they can do things but it is early days." (RA 1)

6.3. Increased obligations of community transfer bodies

This section explores evidence of an additional outcome of asset transfer requests which has emerged from this evaluation: that community transfer bodies experience an increase in obligation and responsibility.

Some community transfer bodies with successful asset transfer requests reported that ownership had brought with it a new accountability and a transfer of responsibility – from relevant authority to community transfer body. Indeed, two community transfer bodies felt a new pressure and responsibility to maintain the asset.

"If we didn't own it then we wouldn't be as involved in caring about it." (CTB 7)

"It's the community's responsibility, and if you give the community responsibility for something then the community will look after it ... if it's

somebody else's, you can say, 'Well, it's nothing to do with us, it's theirs'. This tended to be, I would say, the problem initially with our building. Well, we're not going to spend this money on it when it's going to go back to the council, whereas if it's your building, your community's building, then you will look after it and people will use it because if not they lose it." (CTB 4)

For these community transfer bodies, caring for and maintaining the assets were in the community's interest and in line with their goals. Some interviewees questioned whether and to what extent the responsibilities that community transfer bodies assume when they take over ownership of an asset could become a burden over time. This is considered further in Section 7.1.3.

"Think about where you're going to be five years down the line, ten years down the line. Is there a whole load of people that are going to be doing it or is it just one or two movers and when they fall out with the committee the thing falls into disarray? And then, what happens to the asset at that point?" (RA 3)

"They'll be all excited about getting something and then realise what it actually takes to own an asset in the long term and the amount of commitment. So I'd say that the support around it is crucial as well, so it needs to integrate with other schemes, with things like the Scottish Land Fund where they've got much more experience in helping communities acquiring their own assets and there's a lot of guidance and help available there. So the legislation in that transfer process is an essential part but there's a much bigger picture as well, and communities still need support in that." (CTB 5)

The limited detail surrounding transferred assets and community transfer body project failure/winding up is provided at Sections 14.5 and 14.6 in the Scottish Government Guidance on asset transfer requests (2017) for relevant authorities.

Given that this research was conducted soon after the enactment of Part 5 in January 2017, considering longer-term processes such as community transfer body project failure/winding up was beyond the scope of the evaluation. Future research could explore whether and how these issues affect asset transfer projects after they have been in place over a longer time period.

6.4. Community cohesion and capacity building

Beyond the ownership of an asset and the longer-term benefits that it may bring, a further potential outcome of Part 5 of the Act that was identified through this research relates to asset transfer requests supporting the stability and sustainability of community bodies, with respondents suggesting that asset transfer requests can help to create a stronger sense of community identity, cohesion and involvement. Indeed, some community transfer bodies and key stakeholders identified the asset

transfer request process as potentially 'transformational' for a small community – both in terms of building cohesion and capacity building.

“It brings a community together and it creates networks and knowledge just simply by them going through the process.” (RA 2)

“What [the asset] will do is it will bring the community together more and that was the whole reason of doing it...Community spirit, the cohesion, that's what it's all about... Bringing people together, different groups together. Having partnerships with colleges, schools, things like that, so that... we're all integrated as opposed to being divided.” (CTB 6)

“My advice to any other community is that it is something to help build your community around. It gives you a focus, particularly if you've nothing else to start with... You do need something tangible that people can actually get a grip of. You can't just talk about aspirations. You really need something people can muster around and that's what we've found with the community woodland. We're beginning to get that community coming together around that and hopefully we will continue to build that.” (CTB 8)

By engaging with the asset transfer request process, 'a sense of community is developing' for the members of CTB 7 as they worked with key stakeholders including the local primary school (including the faculty, parents, and pupils), the police, development trust, community members and private sector. For CTB 7, the participatory nature of the process had enabled a stronger sense of community, cohesion and involvement – an underlying rationale behind the Act. They noted that, through a process of participation and engagement, 'there's just been an awful lot more chat about what's possible and being aware of each other and supporting each other.'

“[Putting the application form together has] brought us together... I've got to know my neighbours. I mean, it's a disgrace for my husband and I to have been here... since 75 and I didn't know these people properly, and I've had one or two very good friends as neighbours, but now I know nearly everybody here ... it's lovely.” (CTB 7)

Finally, in terms of capacity building, some community transfer bodies noted that the process of submitting asset transfer requests and working collaboratively with community members and organisations may build the capacity of communities.

“It's just opened my eyes and I'm lucky enough to have had the time to do it and be bothered with it, and I've learned... any time you learn anything from anybody else, you can bring it back to your own group, and they've said, 'We'll come and talk to you about how you can do this'. So, there's been a lot of spin offs from different communities.” (CTB 7)

RA 2 noted that managing transferred assets can make communities better able to assume responsibility for additional services over time. RA 2 notes that increasing communities' capacities to make the most of transferred assets may depend on the

provision of support services to community transfer bodies to help them to see develop the potential of the assets.

“The support isn’t there to enable them to see that as something they can build around. So, if you take over a toilet now, three or four years from now they could maybe be running traffic facilities, roundabouts, or whatever.” (RA 2)

Capacity building is further discussed under ‘Activities’ in Section 9.

7. Longer-term outcomes of asset transfer requests

This section considers the potential for asset transfer requests to deliver longer-term outcomes, exploring whether asset transfer requests may enable increased community empowerment, deliver improved access to services and, finally, contribute to a reduction in local inequalities.

7.1. Potential for increased community empowerment

According to the Theory of Change proposed by Myers *et al.*'s (2017, p.28), 'by providing communities with a right to request the transfer of a relevant authorities' assets to achieve the outcomes of importance to them, asset transfer requests are a potential mechanism for shifting the balance of power toward communities'. Given that the implementation of Part 5 of the Act is relatively recent, it is too early to provide conclusive findings about how asset transfer requests contribute to long-term change outcomes. Nevertheless, in this section we present early evidence pertaining to the *potential* contribution of asset transfer requests to the capacity of communities to influence decisions that matter to them, identifying indications of community empowerment and presenting a wider discussion on perspectives of empowerment.

7.1.1. Perspectives on community empowerment

According to the Scottish Government, when communities feel empowered, there is:

- greater participation in local democracy
- increased confidence and skills among local people
- more people volunteering in their communities
- greater satisfaction with quality of life in the neighbourhood²²

During the interviews, community transfer bodies and relevant authorities were asked to define what 'community empowerment' meant from their perspective or experience. Their responses were quite diverse, ranging from community cohesion to capacity development and capacity (Table 11).

²² Indications of community empowerment: <https://www.gov.scot/policies/community-empowerment/>

Table 11 Defining empowerment – perspectives from the sample

Definition	Indicative quotes
Gaining/ assuming responsibility	<ul style="list-style-type: none"> • ‘Normally a [asset] gets given to you and I think that’s why it fell out of... people didn’t care that it wasn’t being mowed until we were going to lose it, and then you do care. It’s only after you don’t have something that you realise, ‘my goodness, we should have been more...’, and in coming together it’s been empowering the community in the sense of support really.’ (CTB 7)
Community cohesion, belonging	<ul style="list-style-type: none"> • ‘A lady came up [to community event] with her husband in a wheelchair and she said this was the first time she’d met any of her neighbours here, and that must be a sign of a positive empowerment. I just think the fact that we want to have community events together.’ (CTB 7) • ‘Community spirit, the cohesion, that’s what it’s all about.’ (CTB 6)
Being able to hold others to account	<ul style="list-style-type: none"> • ‘It’s about questioning and holding to account organisations that are saying they’re doing things and they’re not. So, we want that money spent in [community]. We want those services provided and we’re not going to go and seek other money to do it. What we’re going to do is make sure you do it because that’s part of the empowerment thing. So, in [community], it’s pretty clear that the community empowers itself.’ (CTB 2)
Delivering services matched to local needs	<ul style="list-style-type: none"> • ‘[It is] about services and the delivery of services for the benefit of the community’ (RA 4)
Local democracy	<ul style="list-style-type: none"> • ‘It gives people a bit of democracy if you own something’ (CTB 6)
‘Having the right to...’	<ul style="list-style-type: none"> • ‘Community empowerment is about civil rights and it’s about the rights to a decent environment, a right to decide what’s going to happen in your own place and that kind of stuff.’ (CTB 2)
Ownership	<ul style="list-style-type: none"> • ‘It means that we’ve got ownership of something that’s ours. We can go for anything. Community empowerment means you can go along there and stick something into the Police Station along the road there if I wanted to, but it means empowerment for our community which means it’s ownership for us. We’re not determined by the council then, it’s ours.’ (CTB 6)
Participation	<ul style="list-style-type: none"> • ‘You’d be looking to see an improvement in community participation... People getting more involved.’ (RA 9)
Confidence and ability to act	<ul style="list-style-type: none"> • ‘Community confidence, taking on bigger, more ambitious projects, feeling that they’ve got the abilities to take on different activities, projects, etc.’ (RA 9)

A shift in power	<ul style="list-style-type: none"> • ‘It’s also quite empowering that the ball is kind of in the community’s court to make a case that their use of the asset will deliver greater outcomes than the continued ownership of the public sector.’ (RA 9)
Strength	<ul style="list-style-type: none"> • ‘It is the strengthening of those organisations and I suppose only time will tell with this one but I do think through the process that a football club will suddenly realise that they can be a prominent voluntary sector body.’ (RA 1)
Capacity development	<ul style="list-style-type: none"> • ‘Some of our asset transfer requests come from communities that work with us... and they’ve built capacity and they’ve just got to a point where... that’s what empowerment is about, really. It’s about communities having the structures in place to be able to take on that.’ (RA 10)

Clearly, while descriptions were wide ranging, there is overlap – between Scottish Government, community transfer bodies and relevant authorities – in defining what community empowerment entails. RAs 3 and 8 struggled to define community empowerment, despite their support for the Act, while two relevant authorities (RAs 5 and 9) highlighted that what empowerment actually means differs between communities they serve – i.e. some communities are more or less empowered than others:

“It will vary from one community to another and there’s a danger actually that the sorts of communities that do come and approach us and maybe other organisations are already fairly well empowered. They’ve got the skills to actually take through quite a major piece of work to develop a business case, business plan, business model to implement all the work that they said that they’re going to do to understand what can and should be done on a particular piece of land and to be able to manage it. I think most of them would be reasonably empowered already.” (RA 5)

“There is a certain strata of society, it is quite visible in [area] because a lot of quite early retired, affluent people retire to [area]... So, you can get towns and villages where people have come in and (they) will get themselves on every committee and every organisation and make sure that resources and attention are focused on their agenda.” (RA 9)

RA 9 noted that the empowerment of one community can impact upon the empowerment of others, particularly if resources and attention are focused on the agendas of those frequently involved, for example ‘early retired, affluent people’:

“What you need to do is disempower other communities. In some ways, to reach other parts of the population, so those that are more vulnerable and less well-off and less articulate, I think we’ve reached a realisation that actually we need to sometimes hold back the first group ... I suppose it’s a form of positive discrimination.” (RA 9)

Relatedly, one relevant authority felt that the process of submitting an asset transfer request relies on the community already possessing a certain level of empowerment:

“What has struck me is that across a lot of the community empowerment discussions ... [asset transfer requests] are great but they’re used by the people who are already the most empowered or those communities that already have a very high level of capacity.” (RA 10)

Aspects of community empowerment are discussed further, under Section 7.3, in relation to inequalities.

7.1.2. Asset transfer and community empowerment

The interviewees reported the propensity for community empowerment to be linked to property and ownership: reflecting an understanding among some stakeholders that assets denote empowerment in themselves, rather than being a tool to help achieve other aims.

“Everybody seems to think that community empowerment is about property... [Communities taking control of services], to me, is what community empowerment should be about, is the community taking hold of something and running with it. I don’t think the community are doing that.” (RA 4)

“People shouldn’t get fixated about asset transfers. In many ways it’s a way to achieve something. It’s a means to an end.” (CTB 2)

Some interviewees recognised that assets are ‘springboards’ (CTB 6), ‘vehicles’ (RA 3) or a ‘first step’ (CTB 8) toward increasing community empowerment; assets do not directly equate to empowerment:

“Asset transfer does not deliver community empowerment. You can’t deliver community empowerment through legislations. Legislation is an enabler. It creates the opportunities but community empowerment is very much a journey.” (RA 9)

“[The asset will help us to] achieve what it set out in the action plan, which is aspiration, vision, dreams or people... and keeping the community together and keeping the community spirit going.” (CTB 2)

CTB 2 noted that their asset may restore a quality of life to their community that was lost as a result of poorly run local assets and the undemocratic choices made by authorities over 30 years:

“It wasn’t [this community] that bulldozed their community centre. It wasn’t [this community] that destroyed their shopping centre. It wasn’t [this community] people that contaminated their land. It wasn’t [this community] people that put a civic dump on their doorstep, and it wasn’t [this community] that shut down one of the biggest employers 30 odd years ago. So, when you look back at [this community], they had social clubs,

dances, football teams, they had three churches, they had guilds, they had all sorts of things. Historically [this community] has always been social and always been pretty active in what they do.” (CTB 2)

Other community transfer bodies noted that while they perceive potential in their asset transfer requests to increase community empowerment, they are yet to see real evidence of impact.

“It’s not come to fruition yet, so we need to wait and see. The only people who are probably delighted with the asset transfer right now is me and the committee, but once that’s up and running, then kids can come in and they’ll see it and go, ‘this is great!’. They’re part of that community.” (CTB 6)

That being said, CTB 6 have, through their asset transfer request, seen an increase in people volunteering in their communities – a key indicator of community empowerment, according to the Scottish Government. They were able to rely on community volunteers to renovate their asset.

“What we find is now you get loads of parents who want to volunteer as opposed to (just) Dads (of players) ... or, ‘My wee boy plays for that team, so I’ll go in there.’ But you get loads of parents now and grandparents want to volunteer. They’ll come in and help. So the community’s come together.” (CTB 6)

Similarly, CTBs 2, 4 and 8 also report an increase in volunteers. CTB 8 note that, prior to their asset transfer request, they had not experienced comparable levels of volunteering in other community projects:

“We’ve got community volunteers coming forward to do work and contribute to the plans for the community woodland. Now, this is the first project we’ve had that we’ve been able to bring people out of the community and directly involve them in a project of this sort. So, looking forward, this is really bringing people out of the woodwork, people that have never had anything to do with the community council or [name of CTB] are now getting involved because this is a different kind of project, one where there is hands on involvement.” (CTB 8)

7.1.3. Potential challenges

The interviewees highlighted some potential challenges to community transfer bodies using asset transfers as a means to improving community empowerment.

Firstly, a challenge to increased community empowerment is the high level of responsibility that communities feel as a result of an asset transfer, when this is not necessarily matched with support services, funding or expertise. Myers *et al.* (2017) highlighted that, through asset transfer, funding opportunities not available to relevant authorities may become available to community transfer bodies (e.g. Community Fund, Scottish Land Fund), which may help sustain transferred assets.

While the availability of such funding may be a positive opportunity, one member of a community transfer body highlighted that, from their perspective, relevant authorities are 'getting rid' of assets that are in a poor state and require investment. CTB 3 state that their local authority is 'passing on buildings that they can't afford to keep and they can't afford to do up and they're passing on the problem to the communities to sort out themselves.'

CTB 3 are relying on funding to deliver the aims set out in their community proposal. This included demolishing the existing structure and building new premises to better meet the needs of the community and tourists. The community transfer body had sought funding to do this, but been refused. At the time of interviewing, CTB 3's asset (toilet/visitor facilities) was costing the community money and representatives of the community transfer body were questioning the future sustainability of their ownership of the asset:

"It is a burden on the community but they are needed... I can't say whether I feel at this point in time that the asset transfer of the [asset] is beneficial in one way or if it's not beneficial. It's beneficial in the fact that, yes, the [asset is] open for the community and the tourists, but then again at what cost to the community can we keep it open or are we now actually possibly going to have to close it down ourselves?" (CTB 3)

In contrast, CTB 6 note that they have successfully secured grant funding to cover asset renovations and, in addition to this, have been able to leverage local networks to carry out renovations at a low cost. While some community transfer bodies were able to draw from community members to complete professional work pro-bono, the cost of fees was also raised by other interviewees:

"The other thing [relevant authority] did constantly was cost us a fortune in legal fees. So, rather than being upfront to say, 'To safeguard the [relevant authority's] position, whichever makes sense, this is what we're looking for', they would wait until our lawyers went back to them and then would bring another question forward. Solicitors would answer that and then they would bring another question, and we constantly asked them, 'Could you just give us a draft agreement so that we can...?', and they wouldn't do it." (CTB 3)

The ability to draw from local individuals with relevant capacities is one reason why asset transfer requests may be more likely to be submitted from more advantaged communities or interest groups. Receiving pro-bono work from community members requires individuals who have relevant professional skills and can afford to complete the work for free. This is considered further in Section 9.

7.2. Improved access to services

According to Myers *et al.* (2017, p.29), asset transfer requests are ‘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.’ They suggest that assets may provide a base for ‘activities and services that would not otherwise be accessible to members of a particular community’ (2017, p.29).

While all relevant authorities named within the Act have a statutory duty to publish annual reports which outline all asset transfer request activities, there is no requirement for relevant authorities to publish details surrounding the purposes of asset transfer requests. As such, we do not have full information about the purposes of all asset transfer requests submitted to date. For this evaluation we have collected data detailing the purposes of asset transfer requests wherever this was available, including from application forms and decision notices as well as from annual reports. The list of purposes of reported asset transfer requests to date is as follows:

- Men’s shed
- Sports and recreation activities
- Community hub
- Museum and heritage centre
- Services to tackle loneliness, promoting life and parenting skills
- Car parking
- Community woodland
- Allotments/community garden
- Affordable housing
- Childcare/nursery
- Music/art hubs
- Services for people with physical and learning disabilities
- Toilet and visitor facilities
- Recycling/upcycling

Further information on asset purpose is displayed at Figure 3. Overall, there is an emphasis on developing community hubs and bringing the community together. While the purposes are wide-ranging, it is clear that assets are providing a base for activities and services. From the reports, it is not clear whether these services are otherwise inaccessible to members of a particular community. From the interviews, however, there are indications that asset transfers are enabling communities to provide services matched to local needs that are better than existing services or otherwise unavailable. These findings were presented at Section 6.1.2.

One asset transfer request in the sample was interesting in that it may deliver improved services to distinct groups, in different ways:

- Local community: the asset transfer request improves local conditions and road access, improving life quality, allowing local residents improved access local services.
- Tourists: Improved facilities at popular touristic attraction.
- Wider communities: the asset transfer request will generate income which will be reinvested into the community to offer further services.

Again, given the recent implementation of Part 5 of the Act, it is yet not possible to conclude that asset transfer requests are improving community access to services. However, the available data indicates that there is potential for this to be the case in the future.

7.3. Reduced inequalities of outcome

The Scottish Government is committed to action that reduces inequalities²³. Myers *et al.*'s (2017, p.29) Theory of Change argued that 'asset transfer requests may contribute to a reduction in local inequalities of outcomes'. The report recognises, however, that one of the risks may be that asset transfer requests also increase inequalities: if there is greater take up by more advantaged, rather than disadvantaged, communities or groups within communities. This section considers whether there is evidence to suggest that asset transfer requests may reduce, or indeed exacerbate, inequalities of outcome.

As part of the application process, the Scottish Government Guidance on asset transfer requests (2017, p.43) states that a relevant authority should carry out an assessment of 'whether the community transfer body is able to successfully deliver the project, and make it sustainable'. Considering this, one of the questions outlined as part of the assessment process is 'do members have appropriate skills, experience and qualifications to deliver the project, or does the body have a plan for engaging people who do?'

Although the analysis of annual reports suggests a spread of requests across areas of differing SIMD level (Figure 6), as highlighted at Section 7.1.1, several relevant authorities and the key stakeholder noted a trend for applications being submitted from so called 'high capacity' communities or groups within communities.

Relevant authorities and the key stakeholder described these communities as having significant professional expertise, often in the form of a well-established community organisation or development trust. Some interviewees suggested that the asset transfer request process is, in the most part, easily accessible to communities where there are sufficient levels of capacity, skills and knowledge to take on the ownership of an asset.

"There's a danger actually that the sorts of communities that do come and approach us and maybe other organisations are already fairly well empowered...They've got the skills to actually take through quite a major piece of work to develop a business case, business plan, business model to implement all the work that they said that they're going to do to

²³ During the course of this evaluation and in recognition of the potential for asset transfer requests to exacerbate inequalities, the Scottish Government commissioned COSS to carry out work tailored to tackling inequalities. As such, COSS is conducting work to identify and encourage asset transfer request uptake in areas of deprivation and in 'cold spots' of low or no activity.

understand what can and should be done on a particular piece of land and to be able to manage it. I think most of them would be reasonably empowered already. One of the things that we would be looking for actually is an ability to deliver and it's... by definition, that would therefore mean the people already have an understanding on what we're talking about, generally speaking, with one exception, is large bits of land that need to be managed to a degree." (RA 5)

"Part of what you're seeing with asset transfer is the already empowered and the articulate community taking advantage of it. What'll happen I think is a mechanism that will allow those communities to continue getting the biggest share of the cake and the communities that are unable to organise themselves will get left." (RA 2)

"Empowered communities can do asset transfer and be more empowered." (RA 10)

"It tends to favour slightly more rural, more affluent communities where people have got time, and there is the potential that this may increase inequalities unless there is targeted activity in disadvantaged communities." (Key Stakeholder)

One community transfer body, operating in a community which has SIMD rankings of between 1-2 (indicating high levels of multiple deprivation), noted that a lack of capacity and a lack of access to individuals with needed skills and expertise – made the process of applying intimidating and challenging:

"We've got to be experts in absolutely everything. We would go to the leader of the Council, we would be studying for weeks on end about planning and legal and all the rest of it... He would sit down and he would bring all these people with him, fire us with questions and we would be frantically trying to answer them, we would be absolute nervous wrecks, stressed out our nuts and... But when we asked him a question he would just go... turn to somebody on his right, 'Can you answer that? Can you answer that?'... So why can't communities have that bank [of experts]? We should have had the same bank of experts sitting at the side of the table with us during those negotiations. Maybe it wouldn't have taken us ten years." (CTB 2)

CTB 2 stated they are "not an area that has architects and lawyers and different things within the area so anything that we did bring in we had to pay a lot of money". The composition of the local community, therefore, can have an impact on the ability to deal with asset transfer request processes. Conversely, another community transfer body in the sample (CTB 7), operating in a community which has SIMD rankings between 8-10, note that they found the asset transfer request process relatively straightforward. They could draw on the capacities of community members with professional backgrounds in finance, architecture, accounting, law, as well as individuals with experience in local activism, funding and establishing and managing community groups. CTB 7 had access to advisers and received resource support

from private companies. All these individuals offered their services pro-bono to support the activities of CTB 7. Even with such available capacities, CTB 7 note that the process ‘took three years and by that time it was hard to keep the momentum of the local community up’. Finally, CTB 4 noted that, because of their professional background, they could navigate the process yet they also recognised that this may not be the experience of all community transfer bodies:

“You need, obviously, to be computer savvy, you need to know the words to use. It’s like in funding... when you go into funders. You need to know the key words... I suppose, in a way, I’m lucky because of the work I did before, I’m used to doing government reports, so I know what’s needed, but no, I do think it’s not easy in respect of the normal layperson if they’re not used to government rubbish.” (CTB 4)

As noted by one relevant authority, with the right resources and capacity building in disadvantaged communities, steps can be taken to enable participation:

“[The asset transfer request process] needs resources... it needs support... and it could be delivered through social enterprises, local intermediary organisations, and if you don’t put in that grassroots type of support for the communities that are more disadvantaged, the ones that will benefit from all the opportunities of asset transfer, there’s the risk that those will be the ones that don’t need the empowerment because they’re kind of further along the empowerment journey than the ones that could really benefit from it.” (RA 9)

This kind of additional support is encouraged by the Scottish Government Guidance on asset transfer requests (2017) and assumed within Myers *et al.*’s (2017) Theory of Change (Figure 1) proposed in the Evaluability Report. In some relevant authorities resources are available but the link between asset transfer and its potential to address certain types of inequalities has not been made explicit:

“We haven’t started off saying, ‘Let us focus on tackling poverty activity and link it to community asset transfer’. The resources are there... We don’t see community asset transfer as significantly linked to the tackling poverty work...but both sides know that if there’s opportunities, we would exploit them. It’s more a case of looking and saying whoever is interested in asset transfer, come to use regardless.” (RA 1)

To address inequalities through asset transfer requests, a more strategic approach may be necessary. This would require consideration of the specific ways asset transfer requests might be used effectively to address inequalities and more targeted support in line with the Scottish Government Guidance on asset transfer requests (2017). This would enable all communities to have the choice to use asset transfer requests where necessary and valued.

CTB 2 expressed concerns that officials were discriminating against their asset transfer requests because they come from a ‘working class community’ (SIMD ranks 1-3), yet favouring asset transfer requests submitted in more affluent communities:

“It feels as though it’s because we’re a working class community that really wouldn’t know what to do with a bit of land, even though we’ve demonstrated and we’ve proved it with [submitted asset transfer request], and then we hear that another community has now come into [CTB 2’s area] and been given an asset transfer to build an athletics stadium, and their asset transfer went through in a four-month period. Now, why was that? Is it because [neighbouring community] is esteemed as an affluent area and [CTB 2’s area] isn’t?” (CTB 2)

The neighbouring community, which has SIMD rankings of between 6- 9, is representative of the ‘slightly more rural, more affluent communities’ discussed previously by the key stakeholder. Whether CTB 2 are correct in their assumption, or whether the asset transfer request has progressed faster in the neighbouring community because of greater capacity or some other reason, these findings have implications for addressing inequalities.

8. Good practice case study: Blantyre Soccer Academy

This case study shows an example of a successful asset transfer request submitted by Blantyre Soccer Academy. The aim is to highlight good practice and areas for further learning and development. The positive outcomes evidenced here indicate the potential of asset transfer requests for other communities.



8.1. Empowered and vibrant communities

Blantyre Soccer Academy (BSA) is a registered charity, established in 2010 with the core mission to encourage and promote the development of football, health, self-esteem and friendship within the community of Blantyre, a town by the River Clyde, eight miles southeast of Glasgow. With a population of 16,100 in 2018²⁴, the SIMD rankings for the town range from 1 in South and High Blantyre to 8 in Low Blantyre. The work of the BSA has expanded since its early days and the charity also runs a community laundry and a community cycling scheme 'Blantyre Bikes Better'. Developing out of the perceived need to respond to gang violence and community disputes, the founder described the changes observed in the community:

"There was a gang culture and everybody hated each other. Now I can see the whole community coming together, not just with us. There are another few youth groups which we are partners with and it's all came together, like boxing clubs and dancing groups which we all work under the umbrella."

In order to offer a sustainable and accessible focal point for BSA activities, the board submitted an asset transfer request to the relevant authority in June 2018 for the ownership of Rowans Community Hall. The proposal was to renovate the building and create a low cost communal space for multi-generational and multi-purpose groups. By developing a hub in this way the plan was to expand the reach of the existing work and provide more comprehensive services in the local area:

"Everybody just thinks it's all about football because it's Blantyre Soccer Academy. This will be Blantyre Community Hub, which will be for all."

24

<https://statistics.gov.scot/atlas/resource?uri=http%3A%2F%2Fstatistics.gov.scot%2Fid%2Fstatistical-geography%2FS13003109>

8.2. Opportunities and challenges

BSA began pursuing asset ownership prior to the introduction of asset transfer requests in January 2017. However, the implementation of the new provisions within the Act gave BSA a new mechanism through which to apply for a transfer. This formal procedure, as described by the founder, meant that the relevant authority 'had to take us seriously'.

As BSA was the first asset transfer request submitted to the relevant authority, there was learning required for both organisations. The process took longer than anticipated, which hindered some of BSA's initial plans. One reason for this delay was that, at the time of the application, the relevant authority had yet to officially approve the criteria and framework used to assess asset transfer request applications. The officer working with BSA acknowledged there was important learning from this experience that would be used for future asset transfer requests, particularly relating to the development and communication of realistic timescales for the process:

"There are still concerns from groups that it takes a long time and though we can try to streamline the process this does take time. I am certainly more adept at outlining realistic timescales and I do think this helps groups understand the issues." (RA)

A key challenge for the relevant authority and BSA was the specific terms of the sale in relation to what would happen if BSA were to fail. The relevant authority wanted to ensure that the property would remain in community use and be returned to the relevant authority.

The asset transfer request was successfully approved in November 2018 and on 18th April 2019 BSA took ownership of the hall and began the renovation work required for the building to function as a community hub. In September 2019, the community hub was officially launched and attended by Blantyre Soccer Academy, Blantyre Councillors and MSP as well as representatives of the Scottish Football Association.

8.3. Making positive impact – intermediate outcomes

The aspirations of BSA for the community hub are far-reaching and may take time to evidence. Nevertheless, in the shorter term there have been some clear positive impacts.

8.3.1. Increased volunteering

BSA used social media to regularly update the community on the progress of the renovation. Volunteers and donations were an important part of the renovation progress with local businesses and tradespeople donating their skills and materials. When BSA put a call out for help with painting and grass-cutting, they were quickly inundated with offers of help. BSA also created an official partnership with South Lanarkshire college to provide students to carry out some of the work. This way of working on the building has provided local young people with valuable work experience (construction), and the involvement of the wider community has, according to BSA representatives, helped to create a sense of cohesion and ownership over the transferred asset. In addition, it has helped to create a culture that values and cares for the local surrounding area.

Figure 7 Before and after – external renovations of asset



8.3.2. Increased community ownership

A key anticipated outcome of the legislation has been achieved, as a formerly derelict asset is now in the ownership of the community. The founder aims to ensure that the community have a key role within the use and development of the hall and plans to establish a series of forums to represent all the user groups:

“My immediate aim is to get the kids involved within this hall so that they take ownership. It’s not my hall. It is their hall and the parents’ hall.”

8.4. Developing sustainable communities

The ownership of the new community hub will give BSA a sustainable foundation from which to further deliver on their core mission. Having worked in the community since 2010, the founder has seen the ways in which football has developed cohesion across the community:

“[It] brings a community together as opposed to everybody being divided because you’ve got High Blantyre, Low Blantyre and Springwell. Everybody comes together when they go to football.”

The aim is to expand this sense of community cohesion beyond the football related activities through the community hub which will provide a variety of services:

“So what we’re going to do in the new hall is obviously just move this laundry straight in here. We’ll have a community laundry. We’ll have an open kitchen and we’ll have fridges and things like that so that people come in and we’ll have a small café in there as well.”

The BSA board are also considering options for expansion through further asset transfer requests for under-used playing fields in the area. Owning the new community hub will provide some financial sustainability for BSA, and is one of the key reasons that the charity pursued ownership rather than a lease. The BSA founder described how the ownership of an asset opens up options for the charity to expand the building, or to borrow on the asset for future developments.

Figure 8 Completed internal renovations – kitchen and meeting room



8.5. Empowering communities – learning and reflection

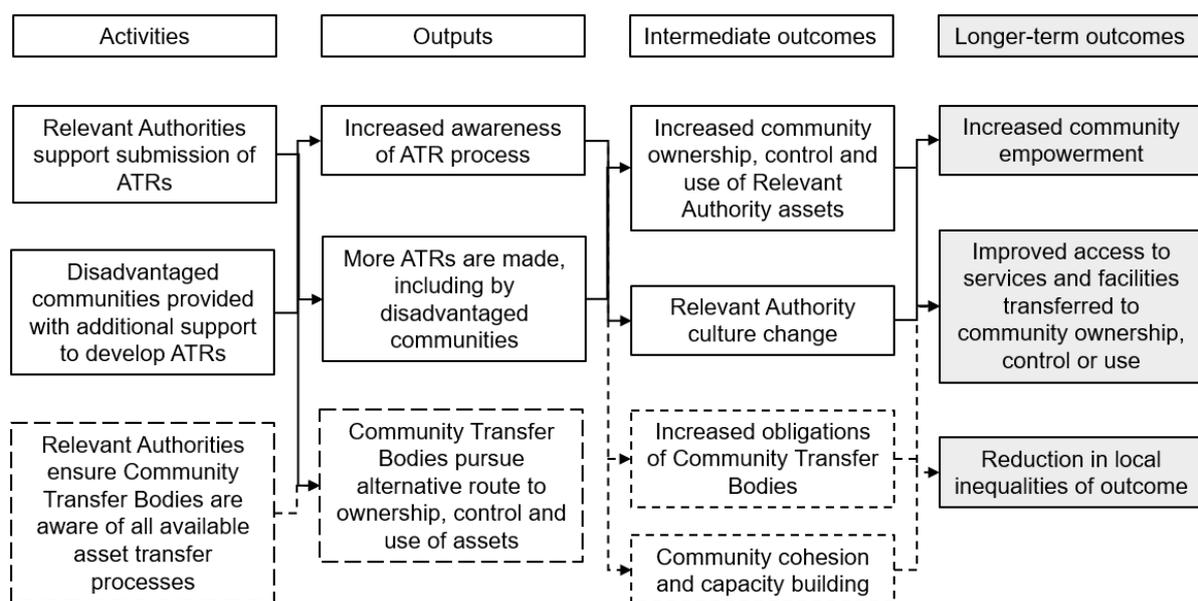
BSA's experience is an example of the way that asset transfer requests can support an organisation to deliver their mission on a larger scale and with a sustainable foundation. The partnership developed with South Lanarkshire College also highlights an innovative and affordable way for assets to be refurbished, whilst offering development and learning opportunities for community members.

The challenges related to timescales and the terms of transfer outlined here are not specific to this case and learning from this example can be applied across relevant authorities and community transfer bodies interested in asset transfer requests. The legislation is still relatively new and both community and public stakeholders need to develop their processes, capacity and understanding of asset transfer requests. The presented case study highlights the importance of transparency of process. Ensuring that communities are aware of timelines and clear about the process will help to create better relationships between relevant authorities and communities.

9. Theory of Change

The evaluation of Part 5 of the Act was informed by Myers *et al.*'s (2017) Theory of Change (Figure 1). Throughout the design and implementation of the research, the theory was used as a reference point. This section reports on the final stage of the evaluation: the development of a revised Theory of Change. The revised model is based on emerging findings from the primary and secondary data collected during the evaluation (presented in Sections 4–7). Proposed revisions to Myers *et al.*'s (2017) Theory of Change are indicated by dashed lines in Figure 9.

Figure 9 Revised Theory of Change



Activities

In addition to the two activities identified by Myers *et al.* (2017), one proposed activity has been added to the revised Theory of Change: *Relevant authorities ensure community transfer bodies are aware of all available asset transfer processes*. Prior to the introduction of the Act, some relevant authorities in the sample, including RAs 1, 2, 5, 9 and 10, had already transferred assets to communities. As such, there may be different processes available within a single relevant authority to support an asset transfer. Interviewees commented on the distinctions between, and advantages and disadvantages of, the asset transfer request and alternative asset transfer processes. For example, given that changes to the Public Finance Manual allow relevant authorities to offer discounts to communities, there were benefits to transferring assets outside of Part 5 of the Act. At the same time, however, there are clear benefits for communities who use asset transfer request as they have a right to appeal, and the property cannot be offered for sale on the open market once an application has been submitted. As noted by one relevant authority:

“A community group has actually got some protection by going through the Act so, first and foremost, they’ve got a right to appeal that they wouldn’t have if they did it outwith the Act. The other thing is that if they make an asset transfer request to us in advance of us marketing something for sale or for lease, we’re then prohibited from offering that for sale or for lease on the market... So, for community organisations, it actually benefits them going through the asset transfer process.” (RA 9)

Ensuring that community transfer bodies are aware of all available routes to asset ownership, control and use, would allow community transfer bodies to identify the route that best aligns with their aspirations.

Importantly, the Theory of Change (Myers *et al.*, 2017) proposed that relevant authorities provide disadvantaged communities with additional support to develop asset transfer requests. Interview findings suggest that a key part of this activity should focus on building the capacities of community transfer bodies. Supporting communities with capacity building – or, indeed, access to individuals with relevant capacities – would, as CTB 2 note, ‘level the playing field’ and support disadvantaged communities to develop asset transfer requests. This has clear implications for addressing inequalities.

Outputs

An additional output has been proposed in the revised Theory of Change model: *community transfer bodies pursue alternative routes to ownership, control and use of assets*. This new output is a potential consequence of community transfer bodies gaining awareness of all available asset transfer processes and thus relates to the proposed additional activity, discussed above. Pursuing alternative routes to asset ownership, control and/ or use represents an exit pathway from the asset transfer request Theory of Change and is therefore not linked to intermediate or longer-term outcomes.

From the interviews, there are examples of relevant authorities transferring assets outside of the Act, but using the Scottish Government Guidance on asset transfer requests (2017) as a model:

“It’s not gone through the formal process although we use the Scottish Government’s Guidance quite a lot essentially to consider the best value assessment and the assessment of what they offered and we had to do a business case for that and get it approved by the Scottish Government. As I said, we used it as a sort of model so that we understood better what was involved in the process for transferring to a community.” (RA 5)

The use of Scottish Government Guidance on asset transfer requests (2017) to ensure transparency and good practice when relevant authorities transfer assets to communities *outside of Part 5 of the Act* can be considered an unintended consequence of the implementation of asset transfer requests. Importantly, other

pathways enabling asset transfer can also lead to specific intermediate and longer-term outcomes; these, however, were beyond the scope of this evaluation.

Intermediate outcomes

The evaluation highlighted two additional potential outcomes for inclusion in the Theory of Change: *Increased obligations of community transfer bodies* and *Community cohesion and capacity building*.

Firstly, in terms of community transfer body obligations, as highlighted at Section 6.3, some interviewees reported that they felt new pressure as the transfer of an asset also meant the transfer of responsibility to the community bodies. For some community transfer bodies, new responsibilities were perceived positively: assets would act as a springboard to achieve aspirations and deliver benefits to the community. For one community transfer body in this sample, however, given the lack of support and funding to enable the community to develop the asset, the responsibility of an asset had quickly become a burden on the community. As a result, the community transfer body were questioning the future sustainability of the asset. Given the potential negative outcome of such circumstances, in Section 10 we present some recommendations in relation to this new intermediate outcome.

The second potential outcome relates to community cohesion and capacity building (Section 6.4). The evaluation highlighted that asset transfer requests may support the stability and sustainability of community bodies, and create a stronger sense of community identity and cohesion. The participatory nature of the asset transfer request process had, for some community transfer bodies, enabled a stronger sense of community, cohesion and involvement – an underlying rationale behind the Act.

Longer-term outcomes

Given the recent enactment of Part 5 of the Act, no revisions have been made to the long-term outcomes. Over time, as asset transfer requests become embedded across Scotland, additional longer-term outcomes may emerge.

10. Recommendations

The subsequent section presents recommendations related to asset transfer requests. These recommendations are proposed to better enable achievement of the longer-term intended outcomes set out in the policy documents. Our recommendations are targeted at two key stakeholder groups involved in the asset transfer request process: the Scottish Government and relevant authorities.

Recommendations for the Scottish Government:

1. To monitor the impact of Part 5 of the Act, including longer-term outcomes of the legislation, the government should ensure that relevant authorities meet statutory annual reporting duties. This process can be facilitated by developing clear and consistent reporting techniques (for example, development of a reporting template that indicates the level of detail to be provided by relevant authorities) and defining where relevant authority reports should be submitted. Ongoing and improved reporting should be combined with follow-up research assessments enabling observation of the longer-term impacts of asset transfer requests.
2. To facilitate future reporting and evaluation of asset transfer requests, there is a need to compose a definitive list of Scottish Ministers who own or have properties in their care. Given that asset ownership may change over time, an assessment of Schedule 3 of the Act should be conducted on a regular basis. The party responsible for this assessment should be defined by the Scottish Government.
3. The Scottish Government should work with relevant stakeholders to develop guidance on valuation matrices/models determining 'best value' for assets. This would address challenges associated with assessing 'best value', which would in turn facilitate more standardisation of best value assessments by relevant authorities.
4. The Scottish Government should continue to work with its partners to identify actions that may help to overcome any barriers to the use of asset transfer requests by marginalised groups or disadvantaged communities. Specifically, a review of support services available to community transfer bodies should be undertaken, with particular emphasis on support for disadvantaged or marginalised communities/groups. The Scottish Government should identify a relevant body to conduct this review and promote access to the support services, particularly in areas of:
 - a. Funding: mapping funding options that support the full breadth of activities across the asset transfer request process (from the capacity building required to submit an application, through to managing and maintaining an asset and related services once the asset transfer request is completed, for example).
 - b. Support/Capacity: mapping low-cost or free support services including accounting/finance, the law, administration and planning/architecture. Signposting such support services may represent the removal of a barrier to asset transfer requests for community transfer bodies across Scotland, and in disadvantaged areas in particular.

Recommendations for relevant authorities:

1. Relevant authorities covered by Part 5 of the Act should promote asset transfer requests more widely, in order to raise internal and external awareness of asset transfer requests. This may include disseminating the policy intent of asset transfer requests; and ensuring that relevant authority personnel understand the asset transfer request process, can provide relevant support to communities, and are able to minimise time delays along the asset transfer request process.
2. Relevant authorities should ensure that asset transfer requests have a transparent timeline. Long timelines strain community momentum and diminish enthusiasm. Ensuring transparency in terms of the asset transfer request process and providing community transfer bodies with transparent timelines could help establish and/or maintain good or improved relationships between relevant authorities and communities.
3. To facilitate asset transfer request submissions, relevant authorities should identify a key contact person with responsibility for asset transfer requests. This 'first point of contact', who understands the Act as well as community engagement and participation, would help to speed up processes, act as an effective conduit between community transfer bodies and relevant authority personnel, drive culture change in relevant authorities and allow other relevant authority personnel to focus on other responsibilities.
4. To address concerns surrounding assets becoming derelict or burdens on communities, relevant authorities should undertake work to promote clearer agreements, ensure understanding of the long-term responsibilities associated with running an asset, and check group capacity to deliver. Defining clearer routes for transferred assets if community transfer body activities terminate may mitigate against assets becoming burdens on communities or derelict.
5. Relevant authorities should work with key stakeholders to address difficulties in quantifying community benefits and calculating the level of discount to offer to communities. Developing relevant authority capacity and experience in assessment systems (best value assessment, for example) would be beneficial to both relevant authorities and community transfer bodies. Finally, ensuring that best value assessments are explicitly related to addressing inequalities may reduce barriers for disadvantaged communities.
6. Relevant authorities should encourage groups from marginalised communities to consider whether asset transfer requests could benefit them. This can happen through an active promotion of Part 5 of the Act with relevant communities, as well as developing tailored and accessible support, including translations and easy-read documents where appropriate.

11. Limitations of the study

The evaluation team conducted this study using the quantitative data available. As detailed in Section 3, due to limited reporting by relevant authorities, the findings detailed here may not represent the full picture of asset transfer request activity in Scotland. In addition, the qualitative data collected in Stages 1 and 2 of the evaluation were generated through interviews, a group interview and participant observations with a limited sample. While steps were taken to ensure that the sample had a breadth of knowledge and experience of asset transfer request and wider participation, the findings reported here may not represent the full range of perspectives on asset transfer requests.

The limitations of this research highlight opportunities for future research, monitoring and evaluation of asset transfer requests in Scotland. Some of these are highlighted in the preceding recommendations section.

12. Conclusions

This report presented findings from an evaluation of Part 5 of the Community Empowerment (Scotland) Act 2015. The report focused on addressing four key questions to understand the impact of Part 5 of the Act and the ways in which it has been implemented by relevant authorities and used at local level. Specifically, the report outlined asset transfer request activity and trends, reported on the implementation of asset transfer requests, detailed findings related to intermediary outcomes of Part 5 of the Act and outlined evidence pertaining to longer-term outcomes of Part 5 of the Act.

Overall, the evaluation found that Part 5 of the Act is being implemented as intended across Scotland. Further action is required to support relevant authority and community transfer bodies to maximise the potential of asset transfer requests to generate the intended positive intermediate and longer-term outcomes. Specifically, further work is required to raise awareness of asset transfer requests, develop transparent timelines and enable a culture change within relevant authorities. Relevant authority culture and resistance may represent a considerable barrier in relation to wider participation. There are also indications that asset transfer requests may contribute to improved services matched to local needs although the potential of this will be better understood over a longer period of time.

There are some indications that asset transfer requests may enable increased community cohesion and capacity building within communities. Further, there is evidence that communities experience increased obligation related to assets, post-transfer. The outcome of this obligation can be both positive (in terms of caring for an asset which generates benefit) or negative (if the asset becomes burdensome). There are some early indications that asset transfer requests may contribute to improved services that better meet local needs. However, the potential of this will be better understood over a longer period of time.

The evaluation also highlighted that, in order to better enable disadvantaged communities to engage with the asset transfer request process in pursuit of positive change, better support should be provided for community transfer bodies. A focus should be placed on providing support and capacity to help community transfer bodies navigate the asset transfer request process.

It is too early to assess the longer-term impacts of asset transfer requests in terms of increased community empowerment and reduced inequality of outcome.

Nevertheless, the evaluation suggests that asset transfer requests can help to address inequalities and may support communities to deliver better and more appropriate services. To ensure that this happens, a more strategic approach may be necessary. This would require consideration of the specific ways asset transfer requests might be used effectively to address inequalities and the development of targeted support in line with our recommendations and the Scottish Government Guidance on asset transfer requests (2017).

References

- Development Trusts Association Scotland (DTAS). (2010) Public Asset Transfer: Empowering Communities. Policy and practice across Scotland. [Available at: <https://dtascommunityownership.org.uk/sites/default/files/Public%20AssetTrans%20DTA%20Scotland.pdf>]
- Forestry and Land Scotland (2017) Community Asset Transfer Scheme (CATS): evaluation panel template. [Available at: <https://forestryandland.gov.scot/images/corporate/pdf/cats-evaluation-panel-assessment-may-2017.pdf>]
- The Highland Council (2017) Community Asset Transfer Approach: Assessment Framework. [Available at: http://www.highland.gov.uk/download/downloads/id/19462/community_asset_transfer_assessment_framework.pdf]
- Hill O'Connor, C. and Steiner, A. (2018) Review of Asset Transfer Requests Annual Reports: Summary. Scottish Government. [Available at: <https://www.gov.scot/publications/independent-evaluation-of-community-empowerment-act-parts-3-and-5-interim-findings>]
- ISD Scotland (n.d.) The Scottish Index of Multiple Deprivation (SIMD). [Available at: <https://www.isdscotland.org/Products-and-Services/GPD-Support/Deprivation/SIMD/>]
- Myers, F., Geyer, J., and Craig, P. (2017) Community Empowerment (Scotland) Act 2015. Evaluability assessment of Parts 3 and 5: participation requests and asset transfer request, Edinburgh: NHS Health Scotland. [Available at: <http://www.healthscotland.scot/media/1696/evaluability-assessment-of-parts-3-and-5-of-the-community-empowerment-act-dec17-english.pdf>]
- Renfrewshire Council (2017) About the Community Empowerment Fund. [Available at: <http://www.renfrewshire.gov.uk/article/7544/About-the-Community-Empowerment-Fund>]
- Scottish Government (2015) Community Empowerment. [Available at: <https://www.gov.scot/policies/community-empowerment/>]
- Scottish Government (2017) Asset Transfer under the Community Empowerment (Scotland) Act: Guidance for Community Transfer Bodies. [Available at: <https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-community-9781786527509/>]
- Scottish Government (2017) Asset Transfer under the Community Empowerment (Scotland) Act: Guidance for Relevant Authorities. [Available at: <https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-relevant-9781786527493/>]
- Srivastava, A. and Thomson, T. (2009) Framework Analysis: A Qualitative Methodology for Applied Policy Research. *Journal of Administration and Governance*. 72.

Appendix 1: List of relevant authorities by type

Local Authority

Aberdeen City
Aberdeenshire
Angus
Argyll and Bute
Clackmannanshire
Dumfries and Galloway
Dundee City
East Ayrshire
East Dunbartonshire
East Lothian
East Renfrewshire
City of Edinburgh
Falkirk
Fife
Glasgow City
Highland
Inverclyde
Midlothian
Moray
Na h-Eileanan Siar
North Lanarkshire
North Ayrshire
Orkney Islands
Perth and Kinross
Renfrewshire
Scottish Borders
Shetland Islands
South Ayrshire

South Lanarkshire
Stirling
West Dunbartonshire
West Lothian

Health

NHS Ayrshire and Arran
NHS Borders
NHS Dumfries and Galloway
NHS Fife
NHS Forth Valley
NHS Grampian
NHS Greater Glasgow and Clyde
NHS Highland
NHS Lanarkshire
NHS Lothian
NHS Orkney
NHS Shetland
NHS Tayside
NHS Western Isles
NHS Education for Scotland
NHS Health Scotland
NHS National Waiting Times Centre
NHS24
Scottish Ambulance Service
The State Hospitals Board for Scotland
NHS National Services Scotland
Healthcare Improvement Scotland

Education

Ayrshire College

Borders College
City of Glasgow College
Dumfries and Galloway College
Dundee and Angus College
Edinburgh College
Fife College
Forth Valley College
Glasgow Clyde College
Glasgow Kelvin College
New College Lanarkshire
North East Scotland College
Royal Conservatoire of Scotland
South Lanarkshire College
West Lothian College

Transport

Shetland Transport Partnership
Highlands and Islands Transport Partnership
North East of Scotland Transport Partnership
Tayside and Central Scotland Transport Partnership
South East of Scotland Transport Partnership
Strathclyde Partnership for Transport
South West of Scotland Transport Partnership

Other

Cairngorms National Park Authority
Crofting Commission
Loch Lomond and the Trossachs National Park Authority
Police Scotland
Scottish Canals

Scottish Enterprise
Scottish Environment Protection Agency
Scottish Fire and Rescue Service
Scottish Natural Heritage
Scottish Water

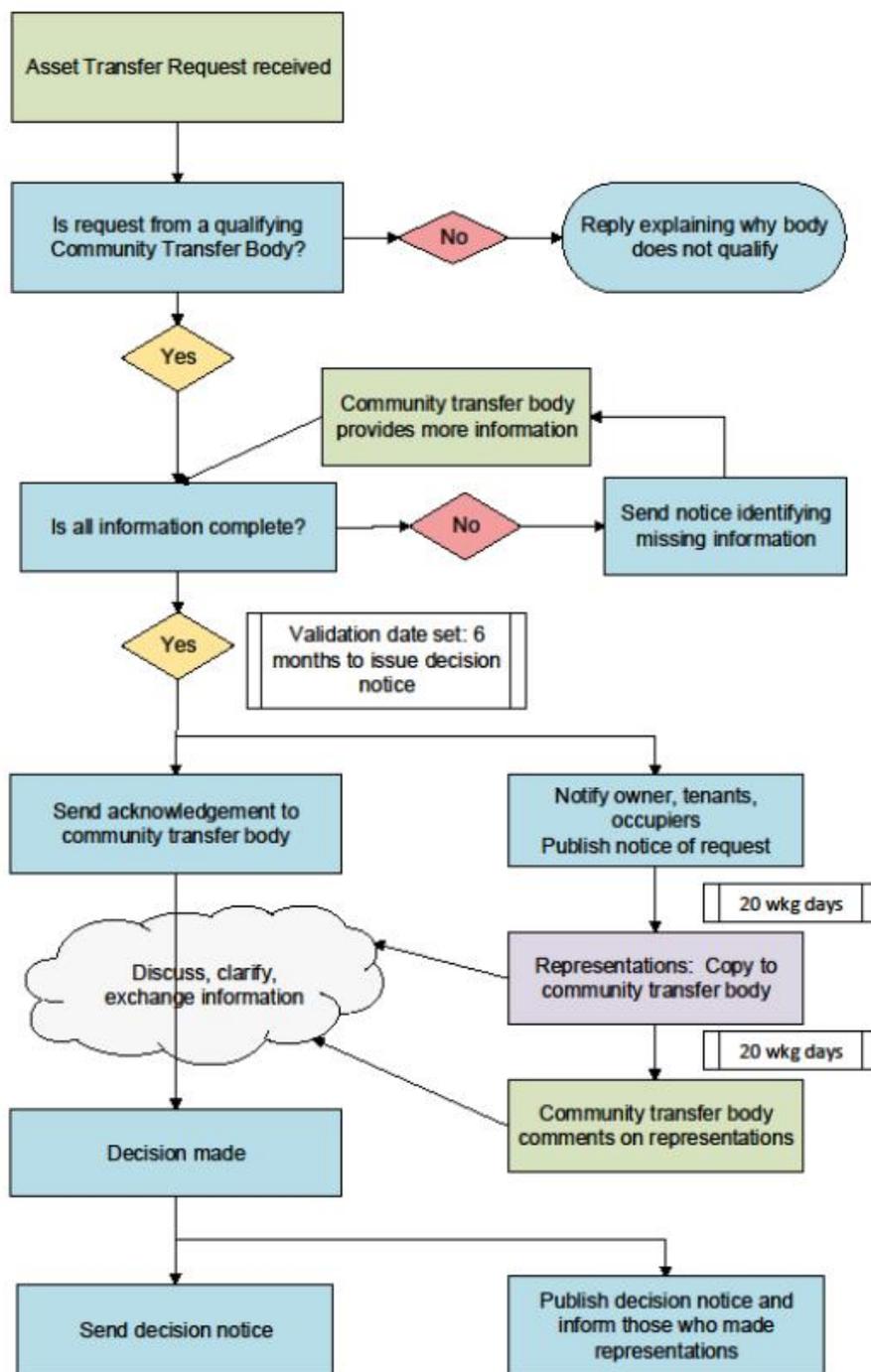
Scottish Ministers

Accountant in Bankruptcy
Accounts Commission for Scotland
Architecture and Design Scotland
Audit Scotland
Bord na Gaidhlig
Caledonian Maritime Assets Ltd
Care Inspectorate
Children & Young People's Commissioner Scotland
Children's Hearings Scotland
Commissioner for Ethical Standards in Public Life in Scotland
Convener of School Closure Review Panels
Court of the Lord Lyon
Creative Scotland
David MacBrayne Ltd
Education Scotland
First-tier Tax Tribunal for Scotland
Food Standards Scotland
Glasgow Prestwick Airport
Highlands and Islands Airports Ltd
Highlands and Islands Enterprise
Historic Environment Scotland
HM Chief Inspector of Prosecution in Scotland
Independent Living Fund Scotland

Judicial Appointments Board for Scotland
Lands Tribunal for Scotland
Local Government Boundary Commission for Scotland
Mental Health Tribunal for Scotland
National Galleries of Scotland
National Library of Scotland
National Museums of Scotland
National Records of Scotland
Police Investigations and Review Commissioner
Private Rented Housing Panel / Homeowner Housing Panel
Quality Meat Scotland
Registers of Scotland
Risk Management Authority
Royal Botanic Garden, Edinburgh
Scottish Advisory Committee on Distinction Awards
Scottish Charity Appeals Panel
Scottish Children's Reporter Administration
Scottish Criminal Cases Review Commission
Scottish Fiscal Commission
Scottish Funding Council
Scottish Futures Trust
Scottish Housing Regulator
Scottish Human Rights Commission
Scottish Information Commissioner
Scottish Land Commission
Scottish Law Commission
Scottish Legal Aid Board

Scottish Legal Complaints Commission
Scottish Prison Service
Scottish Public Pensions Agency
Scottish Public Services Ombudsman
Scottish Qualifications Authority
Scottish Social Services Council
Skills Development Scotland
Sports Scotland
Transport Scotland
Upper Tax Tribunal for Scotland
Visit Scotland

Appendix 2: Procedure following receipt of an asset transfer request application



Source: Scottish Government (2017) Asset Transfer under the Community Empowerment (Scotland) Act: Guidance for Community Transfer Bodies. [Available at: <https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-community-9781786527509/>]

Appendix 3: Revised list of Scottish Ministers

At the outset of this evaluation, the Scottish Government conducted an exercise to establish the appropriate bodies for inclusion under the category of 'Scottish Ministers'. During the evaluation, it became apparent that some of these bodies did not own assets in the care of Scottish Ministers. Towards the end of this evaluation, the Scottish Government amended the list of Scottish Ministers to be included in the legislation. It is expected this list will fluctuate as properties in the care of Scottish Ministers change over time. While this this evaluation adopted the original list of Scottish Ministers (presented at Appendix 1), future analysis should use this amended list:

1. Highlands and Islands Enterprise
2. Historic Environment Scotland
3. Royal Botanic Garden, Edinburgh
4. Scottish Prison Service
5. Transport Scotland
6. Visit Scotland
7. Forestry and Land Scotland
8. Scottish Enterprise
9. Scottish Natural Heritage
10. Scottish Water
11. Scottish Canals
12. Scottish Courts and Tribunal Service
13. Scottish Environment and Protection Agency
14. Crofting Commission



© Crown copyright 2020

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk.

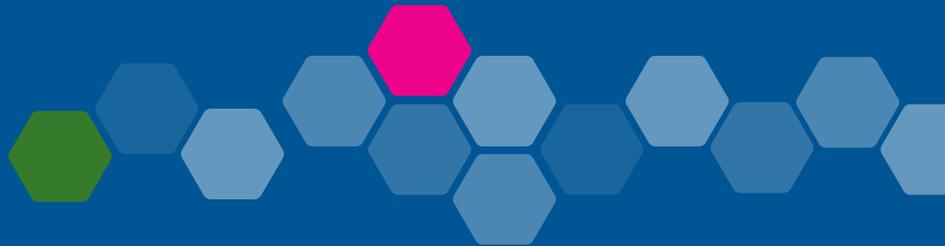
Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

The views expressed in this report are those of the researcher and do not necessarily represent those of the Scottish Government or Scottish Ministers.

This document is also available from our website at www.gov.scot.
ISBN: 978-1-83960-855-1

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for
the Scottish Government
by APS Group Scotland
PPDAS743866 (07/20)
Published by
the Scottish Government,
July 2020



Social Research series
ISSN 2045-6964
ISBN 978-1-83960-855-1

Web Publication
www.gov.scot/socialresearch

PPDAS743866 (07/20)