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# VOLUNTARY ACTION SCOTLAND

## Islands (Scotland) Bill

*Response to The Rural Economy and Connectivity Committee  
request for Evidence*

From the Island Third Sector Interfaces

- Third Sector Interface Western Isles
  - Voluntary Action Orkney
  - Voluntary Action Shetland
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## About the Islands Bill

The Islands (Scotland) Bill was introduced by the Cabinet Secretary for Rural Economy and Connectivity, Fergus Ewing MSP, on 9 June 2017. It contains provision for a national islands plan; to impose duties in relation to island communities on certain public authorities; to make provision about the electoral representation of island communities; and to establish a licensing scheme in respect of marine development adjacent to islands.

## About Voluntary Action Scotland

Voluntary Action Scotland (VAS) is the national network body that supports, co-ordinates and advocates for Scotland's Third Sector Interfaces (TSIs). Our ambition is to see a Scotland in which voluntary and social enterprise action in all its forms flourishes and delivers strong resilient communities. We believe that Scotland's local third sector infrastructure organisations have a crucial role to play in making this happen. VAS gives a national voice to the TSIs local impact. We advocate for the best possible environment in which the third sector locally can thrive and contribute to better outcomes for the people we serve.

VAS was approached by the Rural Economy and Connectivity Committee and asked to give evidence at a Committee meeting on 25<sup>th</sup> October. In order to allow the TSI in three key Island areas to respond, VAS worked with the TSIs in Orkney, Shetland and the Western Isles to develop this paper. The paper outlines the shared responses to the questions received from the committee. It also identifies the particular challenges faced by the voluntary sector operating in each island group and gives examples of the ways in which current legislation can impede development in the islands.

## About the TSIs

TSIs support volunteers, voluntary organisations, and social enterprises. TSI organisations work across core strategic areas of:

- Volunteering
- Social Enterprise
- Sector Support
- Empowering & Engaging local voluntary action

## The principle of the Bill

Each of the three TSIs is supportive of the principle of the Bill.

*“the need is clear and it is obvious”*

We hope that the Bill will remove some of the blocks to development in the islands and make it easier for new opportunities to be seized. There are many examples of current legislation or national standards being inappropriate or creating difficulties when applied to island areas. We hope that the Bill will help to remove these restrictions.

We are concerned that if in implementation the Bill becomes a ‘tick box exercise’ then the opportunities it presents could be lost. In order to avoid this, the Bill must be applied broadly across Scotland’s island communities, beyond the larger island ‘centres’ and on to the more dispersed and remote communities.

Island- proofing as a concept is broadly supported but we would like reassurance that Island-Proofing will be:

- Carried out by people from the islands or with knowledge of the islands – it is very difficult for centrally based policy makers to predict the impact of policies in the diverse set of challenges presented in each island group. Island groups but also the range of individual islands within each island group should be included.
- Retrospectively applied where required – when a piece of legislation has unintended impact in the Islands there is a need for retrospective amendment to be possible.

While there are areas of commonality between Scotland’s Island areas, there are also significant differences between and within Island groups. These differences affect the challenges faced in each area by the third sector, and mean that a ‘one size fits all’ approach will not work. Some islands may be unaffected by a piece of legislation but this does not diminish the impact it could have on another island.

## 1. The Bill creates a duty to publish a national islands plan and lay it before the Scottish Parliament. What are your views on this provision?

We are supportive of this provision. However, TSIs are keen to ensure that an islands plan will be a 'living' document, which leads to real benefits for island communities.

We would like to know more about how the Islands Plan would be published and disseminated throughout Scotland.

We would like more information about how the islands plan will be developed and how progress against the plan will be monitored. We recognise that this area will be developed further by the Scottish Government in the future.

## 2. The Bill will require Scottish Ministers and certain Scottish public authorities, to prepare island impact assessments. Do you agree with this provision? How do you think it should work in practice?

We are supportive of this provision. However, we feel that it is very difficult for central policy makers to anticipate the ramifications of new policies.

Each of us has numerous examples of policies which are brought in nationally but have multiple negative unforeseen impacts in Island communities. For example:

- Some grants for housebuilding are dependent on the properties being connected to the gas network. This is impossible in those islands where there is no mains gas.
- Many islands are dependent on volunteers to staff fire and emergency services. National guidelines require volunteers to attend a set amount of training which takes place in the central belt (sometimes requiring people to take annual leave and travel for days to attend). Often the training includes topics which will not be relevant to their island setting – for example, firefighters from Orkney took part in training about helping in the case of a train crash and high rise fires. Orkney has no rail provision or high rise buildings. In this example, volunteer firefighters used significant amounts of personal time to travel and attend training which was ultimately of little use.
- Recent regulations for Care Workers present a particular problem in Island areas. The regulations require all care workers to be registered. In order to register, workers must complete an SVQ4 qualification. However, many islands are dependent on older volunteers to deliver care services. These volunteers are unwilling to register and often unable to take part in the training which is provided online. The regulations are leading to a reduction in care services for the most vulnerable in remote communities. In areas such as Shetland, with low unemployment, it is difficult to recruit paid care workers.

- The Fairer Funding for Education strategy has devolved some funding to head teachers. However, in the islands many head teachers are also teaching classes due to school sizes. For smaller schools this strategy has added to the administrative burden significantly.
- Procurement legislation makes it very difficult to ensure that island areas are able to procure services from local operators. This particularly affects the third sector in island areas. Where services have been successfully operated by local organisations, we would like it to be easier for them to continue to operate services without having to engage in frequent re-tendering exercises.
- The cost of living is markedly higher in the islands. HIE research in 2013 ([link](#)) reported that the cost of maintaining the defined acceptable minimum standard of living for a family with two children in the Northern Isles to be, on average, 29% higher than in an urban area of the UK. For a family living in a settlement defined as ‘remote from town’ this increased to 66% above the UK urban average. For a single person in a ‘remote from town’ settlement the cost of living was calculated at 74% above the UK urban average.
  - Fuel poverty is an additional factor here. For example, it is estimated that 40% of households in Shetland are in fuel poverty to some degree, with 13% estimated to be in ‘extreme’ fuel poverty, a result of the local climate combined with energy inefficient housing, a restricted fuel market (the cheapest type of fuel, gas, is not available in Shetland) and higher fuel costs (contributed to by freight costs). ([Source](#))

We hope that island proofing should help to foresee this type of issue and bring in some flexibility for Island areas to address the negative outcomes of this type of policy. In order to ensure this, public authorities should involve service users or local experts in identifying the island impact of their actions.

*“What it means is that the people delivering services to us should island proof their services. How are they going to do that?”*

### 3. The Bill proposes to protect the Scottish Parliamentary constituency boundary of Na h-Eileanan an Iar (the Western Isles) from change. Do you agree with this?

We agree with this provision.

### 4 The Bill proposes to make an exception to the rules for local government electoral wards to allow areas with inhabited islands to return 1 or 2 members (instead of the usual 3 or 4). What are your views on this proposal?

Views on this provision are positive. Each Island area has examples of smaller island communities which would benefit from a guaranteed local representative.

5. The Bill will provide a regulation-making power for the Scottish Ministers to create a marine licensing scheme for coastal waters. Do you agree with this power? Do you have any comments on how it should be used?

We are in favour of this provision. Each of us feel that the scheme has potential to introduce an income stream which could help to develop our islands.

The community wind farm model is one example of a way in which local licensing could generate an income for island communities, which could then be used to help sustain local development and regenerate our communities.

*“Having that benefit from the income would allow us to develop renewables and other areas”*

In particular, local licensing schemes will allow Island communities to make an informed decision on licensing requests which will reflect the local need for development.

6. Does the Bill achieve its aims and are you in favour overall?  
Is there anything else that you feel should be included or excluded from the Bill?

We feel that the Bill does achieve its aims. However, in order to ensure that our island communities benefit from the Bill, care should be taken to ensure that the Bill is genuinely enacted in practice. We would also like to see detail on how the bill will be monitored and how its impact across island communities will be measured.

All of our TSIs support organisations to engage local communities in community consultations and planning processes. We believe that the Islands Bill will require significant levels of community engagement. However, care must be taken to ensure that:

- Communities are not over-consulted with.
- Existing plans and structures are used. Where community development plans have been developed with community engagement, they could be used in place of direct consultation. Similarly, where community councils are vibrant they can be used.

*“Lots of local needs are reflected in the local plans so you don’t need to consult ALL the time.”*

- Where the TSIs are needed to facilitate community engagement, we would need additional resources. The funds are not currently available to allow us to provide this service.
- Community consultation must reflect all the island communities affected by a policy, including the more remote and dispersed areas.

7. Do you have any comments on the bill in relation to human rights or equalities?

TSIs felt that in some cases the lack of access to services which people living in the islands face could be seen as a human rights issue. In this case, the Bill will help to redress the disparity between services available to people living in island communities and people living elsewhere in Scotland.

*“people living on islands often accept that they won’t have access to all the opportunities. But we do expect access to core services”*