

The Moray Council

Participation Requests Policy

April 2018.

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The Moray Council welcome **Participation Requests** from local community groups who believe they could help the Council to better meet the needs of **service** users, to offer volunteers to support a **Service** or even propose to **take** over the delivery of the **Service**. This Policy describes how the Council will implement Part 3 (Participation Requests) of the Community Empowerment (Scotland) Act 2015 (the Act), and the associated Participation Request (Procedure) (Scotland) Regulations 2017 (the Regulations), which came into effect on 1 April 2017.

1. Under part 3 of the Community Empowerment (Scotland) Act 2015 a Community Participation Body may make a request to a Public Service Authority to permit the body to participate in an outcome improvement process. An outcome improvement process is a process intended to improve a public service. The process may be an existing process which the Community Participation Body wishes to join, or a new process which the Community Participation Body wishes to initiate.
2. The Council welcomes the introduction of participation requests as a new channel for engagement with community bodies, to be added to the existing options available to community bodies wishing to engage with the Council.
3. The aim of the act is to assist the public sector to prevent problems in communities before they arise. It also aims to consider greater co-ordination within and between services/. The act is rooted in rights and tackling inequality. It is meant to encourage co-production with communities for better services and to develop greater more meaningful partnership with communities of “place” and of “interest or identity”. Therefore it is essential that the Council encourages a robust culture of participation and a proactive approach to the community. This would preclude the use of the legislation and process of dealing with formal participation requests
4. The Council will maintain, on its website, up to date details of a first point of contact for community bodies which are considering the possibility of making a participation request. As at June 2017 the first point of contact is the Community Support Unit
5. The Council will provide support on request to community bodies which are:
 - Considering the option of making a participation request.
 - In the process of making a participation request.
 - Participating in an outcome improvement process.
5. Community bodies are very welcome to request support and are invited to contact the Community Support Unit in the first instance.
6. The Council endorses the Participation Requests Guidance issued by the Scottish Government on 1 April 2017. The Guidance has been adapted to suit local circumstances in Moray and forms part of this Policy.
7. The Scottish Government have provided the following examples which demonstrate three broad categories that participation requests may fall into:

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

Example: a group of fathers/grandads have identified a lack of opportunities for support for men and their children within their local area. They are not a constituted group, but have informally come together to provide play activities for their children and have established an informal network. They have identified that there are many men living in the area who are unemployed and who care for their children/grandchildren, and that they struggle to access free or affordable play activities and support. The group want to improve access to existing parents' groups for men locally, and to work with service providers to establish a father's group. They have made a participation request to their health board around positive parenting.

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

Example: A community' organisation which represents a neighbourhood wishes to influence how decisions are made in relation to community safety. They have identified a community safety issue which is specific to their neighbourhood, but which they believe has not been prioritised within wider community safety planning. They feel that their voices have not been heard within the process, and have made a participation request to their local authority to be involved in community safety planning structures.

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

Example: A local Development Trust wants to take over the running of a local care service and makes a participation request to the local authority to start a dialogue on the issue. People in the community feel strongly that there is a need for such a care service to be delivered locally as it enables many older people to continue to live in their own homes

8. The Act sets out criteria which determine whether a community body is eligible to make a participation request. An eligible body is designated a 'Community Participation Body' and may fall into one of several categories:

- A 'community-controlled body' which has a written constitution and a membership

A group could also be a more loosely associated group of people but must have similar features to that provided by a community controlled body but has no written constitution as defined in the Act.

- The Council can determine whether a group meets the requirements under the Act.

- Communities of interest could include faith groups, ethnic or cultural groups, people affected by a particular illness or disability, sports clubs, conservation groups, clan and heritage associations, etc. They may be very specialised or local, ranging up to national or international groups with thousands of members.
 - Community Councils are able to make a participation request under the Act. When making a request it would be useful for the community council to supply an agreed Scheme of Establishment with the Local Authority and have a written constitution. The community council should engage with local people in the area that could be impacted by the outcome improvement process, and think about how the proposals may affect them. Any other group, which is open to any members of a specified community and which is controlled by and operates for the benefit of the members of that community.
 - Ministers of the Scottish Government may add to this list by making an order.
9. The Act lists the public bodies to which it applies, and which have a duty to comply with the Act and Regulations. These bodies are designated Public Service Authorities and in Moray they comprise:
- UHI Moray
 - NHS Grampian
 - Highlands and Islands Enterprise.
 - Moray Council.
 - Police Scotland.
 - Scottish Environment Protection Agency.
 - Scottish Fire and Rescue Service.
 - Scottish Natural Heritage.
 - HITRANS.

Ministers of the Scottish Government may add to this list by making an Order.

10. On making a participation request, a community body is required to provide sufficient information to enable the Public Service Authority to determine whether it is a Community Participation Body under the Act. Community bodies considering the possibility of making a participation request are advised to consult the detailed information in the Guidance to find out whether they meet the criteria for a Community Participation Body. If in doubt, community bodies may contact the Community Support Unit for advice.
11. The Act lists the information which a Community Participation Body must provide when making a participation request. This is listed in the Participation Request Form appended to the Guidance. As a minimum it must include:

- The outcome which the Community Participation Body wants to improve.
- The reasons why the Community Participation Body believes it should participate in an outcome improvement process.
- Details of any knowledge, expertise, and experience the Community Participation Body has in relation to the outcome.
- How the outcome will be improved because of the involvement of the Community Participation Body.

Assistance in completing the Participation Request Form is available on request from the Community Support Unit

12. The procedure to be followed once a participation request is received by the Council is set out in the flowchart appended to this Policy.
13. On receipt of a participation request, Council officers will first check that the requesting body is an eligible Community Participation Body. If the requesting body is found not to be an eligible Community Participation Body, the Council will advise them accordingly and the statutory process ends. The community body will be advised of any alternative channels for engagement which may be available.
14. Council officers will next check that all the required information for a formal participation request has been provided. Any missing information will be requested from the Community Participation Body. The day on which all the required information has been received is deemed the 'validation date', when the clock starts on the decision-making process.
15. If the participation request is for participation in a Council process which does not involve any other Public Service Authorities, the request will be sent to the relevant Corporate Director for a decision as to whether their Service wishes to engage in an outcome improvement process with the Community Participation Body. The Corporate Director decide whether to grant the participation request, notify the Community Participation Body and publish a Decision Notice on the Council website within 30 days of the validation date.
16. If the participation request involves more than one Public Service Authority, the request will be sent to the relevant Corporate Director and also to any other named Public Service Authorities. The other Public Service Authorities have 15 days in which to notify the Council whether they wish to participate in the proposed outcome improvement process. On receipt of their decision, the Council will notify the Community Participation Body and the relevant Corporate Director. The Corporate Director will then decide whether to grant the participation request, notify the Community Participation Body of their decision and publish a Decision Notice on the Council website within 45 days of the Validation Date.
17. The Decision Notice will include the reason(s) for the granting or otherwise of the participation request. There is a presumption in favour of approval and participation requests will be granted unless there are reasonable grounds to

refuse. In making a decision, Corporate Directors will consider whether granting a request would be likely to promote or improve:

- Local Outcome Improvement Plan
 - Locality Plans
 - Economic development.
 - Regeneration.
 - Public health.
 - Social wellbeing.
 - Environmental wellbeing.
 - A reduction in inequalities of outcome which result from socio-economic disadvantage.
18. If the participation request is approved, the Decision Notice will include information about the proposed outcome improvement process. Details of the type of information to be published are provided in the Guidance. The Corporate Director involved will ensure that the outcome improvement process starts within 90 calendar days of the publication of the Decision Notice.
19. If the Council subsequently wishes to make any modifications to the agreed outcome improvement process, the Community Participation Body will be consulted. Similarly, the Community Participation Body may request modifications, subject to the agreement of the Corporate Director involved. Details of any agreed modifications, and the revised process, will be published by the Corporate Director on the Council website.
20. On completion of the agreed outcome improvement process, and in consultation with the Community Participation Body, the Corporate Director will publish a Report on the Council website detailing the process, the outcomes of the process and how the Community Participation Body contributed to the outcomes. The Report will include a note of how the Council plans to keep the Community Participation Body, and any other interested parties, informed of any matters relating to the outcomes.
21. The Corporate Director for Corporate Services will submit an Annual Report to the Policy and Resources Committee by 30 June each year, which will include the following information with regard to the previous financial year:
- The number of participation requests received in the year.
 - The number of participation requests agreed and refused in the year.
 - The number of requests which resulted in changes to a service provided by, or on behalf of, the Council.
 - Any action taken by the Council to promote and support participation requests.

22. The Act requires that all information, notices and reports relating to participation requests be published on a website and through social media. The Council will publish all relevant information on its own website, and will promote the information via social media. If a community body has limited access to digital technology and would prefer to receive information in hard copy or another format, this can be arranged on request. Community bodies in this situation are invited to contact either the Community Support Unit or the Corporate Director involved in a particular participation request or outcome improvement process.

FLOWCHART

The flowchart below demonstrates the process and refers to the relevant paragraphs of the Act

