



Participation Requests Procedure

Under the
Community Empowerment (Scotland) Act 2015

November 2017

DRAFT

1. Introduction

The Community Empowerment (Scotland) Act 2015 introduces participation requests at Part 3 of the Act. Participation requests are focused on extending and improving community participation in improving outcomes for communities. The legislation enables community participation bodies (CPB) to request to participate in decisions and processes which are aimed at improving outcomes.

A community participation body is defined in the Act as either a community controlled body (defined in section 19), a community council, a community body without a written constitution (set out in section 20(4)) or a body designated by the Scottish Ministers. The Act states that a CPB may make a request to a public service authority to permit the body to participate in an outcome improvement process.

Improving participation provides opportunities to support delivery of Community Planning Aberdeen's Local Outcome Improvement Plan (LOIP) and Locality Plans, and the Council's Strategic Business Plan. These plans are critical references for groups interested in submitting Participation Requests and for Chief Officers making assessment on requests received.

NB Participation requests do not introduce a right for a CPB to 'take over' the running of a service; however it does create opportunities for service delivery to be reviewed within an outcome improvement process. It will be for the Council (and partners if relevant), following the outcome improvement process, to decide whether to make any changes to existing service delivery arrangements.

This is Aberdeen City Council's procedure for delivering its participation requests responsibilities. This procedure should be read conjunction with:

- [Part 3 Community Empowerment \(Scotland\) Act 2015 \(the 2015 Act\)](#)
- [Scottish Government Participation Requests Guidance](#)
- [The Participation Request \(Procedure\) \(Scotland\) Regulations 2017 \(the 2017 Regulations\)](#)

2. Awareness, Promotion and Support

The following officer will be designated 'first point of contact':

Communities and Housing Area Manager
Communities, Housing and Infrastructure

The designated officer has responsibility for effective operation of this procedure.

The Council will publicise participation requests on its website. Further it will promote through social media, community newsletters and at community meetings and events as appropriate. Increased emphasis will be given to promoting participation requests in Community Planning Aberdeen's Locality Planning priority neighbourhoods and with groups involved in advancing equalities.

Relevant Council staff and in particular those working in community development roles shall have a role in raising awareness of participation requests. Communities staff within Communities and Housing shall provide support and guidance to community bodies through the process, including during the informal stage prior to making a formal request.

3. Administration

Communities and Housing will undertake the main administrative, monitoring and coordinating functions in the delivery of this procedure. This includes:

- Managing the participationrequests@aberdeencity.gov.uk email account and receiving hard copy requests where applicable
- Receiving, logging, acknowledging and assigning informal requests for dialogue
- Issuing participation request forms
- Receiving, logging, initial checking of applications, acknowledging and assigning formal participation requests
- Receiving, logging, acknowledging and assigning requests for reviews
- Monitoring the process, including issuing reminders of relevant target dates
- Recording decisions, issuing Decision Notices and publishing on the website
- Publishing details of proposed and on-going outcome improvement processes and reports at the completion of improvement processes
- Maintaining records of Participation Requests and preparing relevant statistical information for the Annual Report.

4. Informal Dialogue

Informal dialogue in advance a formal request should assist ensuring that relevant existing processes are used appropriately and that any participation request is well thought-out, appropriate and is focussed on improving outcomes. In addition, it should avoid unnecessary formal requests.

Local community development and service staff relevant to the outcome identified for improvement will provide assistance to community groups at the informal stage.

When any informal dialogue that takes place, the Communities and Housing team should be notified via email to participationrequests@aberdeencity.gov.uk to maintain a record.

5. The Participation Request Process

The basic participation request process is as follows:

- A community participation body puts forward a participation request to a public service authority asking them to take part in a process with a view to improving the outcome as set out by the community body. It is recommended

that informal dialogue with the public service authority take place before the participation request is submitted.

- The public service authority must agree to the request and set up an outcome improvement process unless there are reasonable grounds for refusal. Authorities must also make the decision “in a manner which encourages equal opportunities” and meets their responsibilities under Equality legislation. If it refuses the request, it must explain the reasons. The request must be assessed by the criteria as set out in the legislation.
- How the outcome improvement process will work and how long it should take is discussed between the community participation body and the public service authority. The public service authority will be responsible to decide whether to make any changes to existing service delivery arrangements following the outcome improvement process.
- At the end of the process the public service authority must publish a report summarising the process, whether the outcomes were improved and how the community participation body contributed to that improvement. The community participation body views must be sought in preparing the report.

6. Making the Decision

Participations requests will be sent by email to the most relevant Chief Officer, depending on the nature of the request.

The Chief Officer shall assess the request and must agree to the request unless there are reasonable grounds for refusal having considered the statutory criteria as set out below. A request does not need to be considered if it is the same or similar to a previous request if it has occurred in the past two years. It does not matter if the new request is made by the same community participation body or a different one.

The Chief Officer shall liaise with relevant other Chief Officers when another service is affected by the request and also in consultation with the relevant committee convenor(s) to determine the participation requests. They will also liaise with any other public service authorities relevant to the participation request to assist making a decision and to determine their involvement.

Open dialogue on the request and potential outcome improvement process should be helpful to effective decision making. Note that it will be for the Council, following the outcome improvement process, to decide whether to make any changes to policy and existing service delivery arrangements.

To meet the requirements of the 2015 Act the Chief Officer must take account of the following to make the decision:

- a) the reasons why the community participation body believes it should participate in an outcome improvement process;

- b) any other information produced in support of the request (whether such information is contained in the request or otherwise provided);
- c) whether agreeing to the request mentioned would be likely to promote or improve:
 - economic development,
 - regeneration,
 - public health,
 - social wellbeing, or
 - environmental wellbeing.
- c) whether agreeing to the request would be likely:
 - to reduce inequalities of outcome which result from socio-economic disadvantage;
 - to lead to an increase in participation in the outcome improvement process to which the request relates by persons who experience socio-economic disadvantage;
 - otherwise to lead to an increase in participation by such persons in the design or delivery of a public service the provision of which results in, or contributes to, the specified outcome mentioned in the request;
 - any other benefits that might arise if the request were agreed to; and,
 - any other matter (whether or not included in or arising out of the request) that the Chief Officer considers relevant.

The authority must make the decision in a manner which encourages equal opportunities and the observance of the equal opportunities requirements.

To assist making a determination the Chief Officer should refer to the LOIP, Locality Plans and Strategic Business Plan.

The Chief Officer will also be responsible for identifying any relevant established outcome improvement process that the CPB will participate in.

The Chief Officer must notify the Communities and Housing team of their decision by **25 working days** from the date of the request was received. If more than one public service authority is involved the response times increases to **40 working days**.

To ensure that compliance with statutory deadlines, the Communities and Housing team shall issue the Decision Notice by **30 working days** of request (**45 working days** in respect of requesting involving at one other public service authority).

The Decision Notice should also include details of any established or proposed outcome improvement process that the CPB will participate in (see next section).

On refusal of a participation request, a Decision Notice will still need to be issued, detailing the reasons for refusal. However, the Chief Officer should also assess what further informal action/opportunity may be appropriate dependent on circumstances. Examples: Involvement in a service development working group or being included in a future consultation exercise.

7. Establishing the Outcome Improvement Process and Notification

The Chief Officer must agree an outcome improvement process which will aim to improve the outcome set out by the community body. This process should also involve any other public service authorities relevant to the improvement outcome.

Should the Chief Officer determine that the participation body should be invited to participate in an Outcome Improvement Process and there is also a relevant process established then the following must be included in the Decision Notice:

- Description of the operation of the outcome improvement process;
- Specification of what stage the process has reached;
- Explain how and to what extent the community participation body is expected to participate in the process; and,
- If any other person participates in the process, describe how the person participates.

When there is not a relevant established outcome improvement process then the Chief Officer must set out in the Decision Notice:

- Describe how the proposed process is intended to operate;
- Explain how and to what extent the community participation body which made the participation request is expected to participate in the proposed process; and,
- If any other person is expected to participate in the proposed process, describe how the person is expected to participate.

On notification of the outcome improvement process the community participation body can, within 28 days, make written representation on the outcome improvement process.

The Chief Officer should consider proactive engagement with the participation body and should take account of any alternative proposals made by the participation body before confirming in writing the outcome improvement process.

The outcome improvement process must start within **90 working days** from the Decision Notice/validation date.

8. The Outcome Improvement Process

The Act and guidance provides very limited requirements and directions on the outcome improvement process.

Community Planning Aberdeen and the Council are applying quality improvement methodologies to a variety of processes. The Community Planning Manager will be able to provide advice on guidance on improvement processes as required.

9. Outcomes from an Outcome Improvement Process

The Chief Officer is responsible for agreeing actions at the conclusion of a process and thereafter completion of actions. It is recognised that some actions may be implemented by officers, in other situations the outcome and potential actions may need to be reported to a Council committee (other Council decision making process) or to the relevant group within Community Planning Aberdeen management structures.

10. Participation Requests received from another Public Body

Partners should send relevant requests requiring the Council's considerations to participationrequests@aberdeencity.gov.uk

These shall then be directed to a Chief Officer to consider in accordance with the Act, guidance and this procedure.

11. Review of Decisions

No statutory appeal process is in operation at this time and this is being monitored by the Scottish Government. The complaints procedure is also available to groups dissatisfied with decisions.

Appendix 1

Aberdeen City Council

Participation Request Form

1. Details of Community Participation Body

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|------------------------------|
| Name of Your Community Body: |
| Contact Name: |
| Contact address: |
| Contact Telephone number: |
| Contact Email: |
| Website (if available): |

Please ensure that you include a copy of your written constitution or governance documentation if available.

2. Name of the public service authority to which the request is being made: *(Note 1)*
3. Name of any other public service authority which the community participation body requests should participate in the outcome improvement process: *(Note 2)*
4. The outcome that your community participation body want to improve: *(Note 3)*
5. Please tell us the reasons why the community participation body should participate in an outcome improvement process: *(Note 4)*
6. Please note the knowledge, expertise and experience the community participation body has in relation to the outcome: *(Note 5)*
7. How will the outcome will be improved because of the involvement of your community participation body: *(Note 6)*
8. What type of community participation body are you? *(Note 7)*
 - a) A community controlled body
 - b) A community council

- c) A body designated by the Scottish Ministers as a community participation body
- d) A group without a written constitution

9. Additional Information: *(Note 8)*

Please send the completed form via email to:

participationrequests@aberdeencity.gov.uk

Or by post to:

Neil Carnegie
 Communities and Housing Area Manager
 Aberdeen City Council
 Business Hub 11, 2nd Floor West
 Marischal College
 Broad Street
 Aberdeen
 AB10 1AB

Additional Notes

1. Specify the public service authority to who the request is being made. Please also include any additional public service authorities the community participation body believes should also participate in an outcome improvement process. The authorities to whom a request can be made are listed in Schedule 2 in the Community Empowerment (Scotland) Act 2015 these are:
 - A local authority
 - A health Board
 - The Board of management of a college of further education
 - Highlands and Island Enterprise
 - A national park authority
 - Police Scotland
 - The Scottish Environmental Protection Agency
 - Scottish Enterprise
 - The Scottish Fire and Rescue Service
 - Scottish Natural Heritage
 - A regional transport partnership
2. Insert the name(s) of any other public service authority which the community participation body requests should participate in the outcome improvement process.
3. Specify an outcome that results from, or is contributed to by virtue of, the provision of a service provided to the public by or on behalf of the authority. An

explanation of outcomes and examples can be found in section 3.44 below.

4. Set of the reasons why the community body believes it should participate in the outcome improvement process.
5. Provide details of any knowledge, expertise and experience the community body has in relation to the outcome specified under paragraph 3.
6. Provide an explanation of the improvement in the outcome specified under paragraph 3 which the community body anticipates may arise as a result of its participation in an outcome improvement process.
7. To make a participation request the Community Empowerment (Scotland) Act 2015 provides that certain bodies can do so. The community participation body should provide the necessary information to the public service authority to show that they are a valid body who can make a participation request.
8. Any other information in support of the participation request can be included in this section or attached separately should the community body wish to do so. It may be helpful for the community participation body to outline if they have previously been in contact with the public service authority regarding the outcome. The community participation body may also want to provide information on any additional support they may require to be able to participate in an outcome improvement process.