

**Guidance on submitting a Participation Request
Under the Community Empowerment (Scotland) Act 2015**



May 2017

1. Purpose

This guidance is aimed at helping groups who are interested in making a participation request to Inverclyde Council. It provides an overview of the participation request process and is based on the national guidance produced by the Scottish Government.

This guidance does not replace the national guidance however and we strongly recommend that you read both before making a participation request. You can find the national guidance here:

<http://www.gov.scot/Topics/People/engage/ParticipationRequests/ParticipationRequestsGuidance>

We would welcome the opportunity to discuss your participation request with you prior to its submission. This will help to ensure that a participation request is the most appropriate way for your group to engage in improving outcomes in Inverclyde.

2. Community Empowerment (Scotland) Act 2015

The Community Empowerment (Scotland) Act was enacted in July 2015. Part 3 of the Act, 'Participation Requests' and its Regulations came into force on 1 April 2017. This section of the Act provides a way for community bodies to put forward their ideas as to how services could be changed to improve outcomes for their community via a participation request.

3. What is a Participation Request?

The most common definitions describe participation as 'the action of taking part in, or sharing in something'. The purpose of the Act is to enable the active participation of communities in addressing the issues and opportunities that are of greatest importance to them and to provide more influence over the services and decisions that affect their lives. A community group can use the Act to discuss with service providers how they could better meet the needs of users around a particular issue or topic that the community group feel would result in an improvement to the service. Participation requests are **not** designed to:

- Replace good quality existing community engagement or participation processes
- Be used as an extension to a complaints procedure

The national guidance suggests a range of scenarios where a participation request may be used:

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

Example 1:

A group of fathers / grandfathers 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.

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

Example 2:

A tenants' 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.

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

Example 3:

A network of refugees and asylum seekers from across Scotland have carried out a survey which shows a range of experiences in relation to accessing English language courses. They wish to work with statutory providers to ensure that all refugees and asylum seekers have equal opportunity to access English language tuition, and in particular to address the issue of cost and timing/availability of transport which was reported as barrier for those living in more rural communities. They have made a participation request to a regional transport provider around equality of access to transport.

Example 4:

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.

- To help people challenge decisions and seek support for alternatives which improve outcomes

Example 5:

A community development trust is seeking to challenge a decision about a woodland area which is well used by the local community for outdoor activities such as biking, walking and woodland education. The woodland is owned and managed privately and the owner has endeavoured to restrict access to the site claiming that this is due to the discovery of a protected species. The community development trust has made a participation request to the National Park Authority to become involved in finding a suitable resolution.

4. Who can make a participation request?

To make a participation request an organisation needs to be a 'community participation body'. This could be a:

- **A community council**

Community Councils are able to make a participation request under the Act. When making a request the community council should supply its agreed Scheme of Establishment and 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.

- **A community controlled body**

A community controlled body will have a written constitution that includes a definition of the community which the body relates to and the provision that the majority of members will be drawn from that community. The organisation should be open to any members of that community and be member controlled. Surplus funds or assets should be used for the benefit of that community and the aims and purpose of the body should clearly state that it exists to benefit that community.

- **A community body without a written constitution**

Your group may also be a more loosely associated group of people but must have similar features to that provided by a community controlled body, but with no written constitution.

It will be the responsibility of Inverclyde Council to determine whether such a group meets the requirements under the Act.

- **A body designated by Scottish Ministers**

Scottish Ministers can designate a body to be a community participation body by making an order. Ministers will normally only designate a body if it works in a way similar to a community controlled body and there is good reason why it is not able to meet the requirements of the Act e.g. a charitable trust which cannot change who is on its Board.

- **Communities of interest**

The Act does not specify that community bodies have to be geographically defined in order to make a participation request. This means that community organisations shaped around faith or a shared interest or characteristic e.g. ethnicity, disability or sexual orientation, can initiate participation requests if they want to improve an outcome relating to their community of interest.

5. Who can receive a participation request?

A participation request can be made to one or more organisations known as a 'public service authority'. The organisations that fall under this term are:

- Local authorities
- Health Boards / Integrated Joint Boards
- Colleges and Universities
- Police Scotland
- Scottish Fire and Rescue
- Scottish Enterprise
- National Park Authority
- Scottish Environment Protection Agency
- Scottish Natural Heritage
- Strathclyde Partnership for Transport

6. How to make a participation request

Inverclyde Council would welcome the opportunity to engage in discussions at an early stage and before any formal participation request is submitted.

Participation requests should be made in writing using the form in appendix 1. You must provide information on:

- The outcome that you are seeking to improve.
- The reasons why your group should be involved in the improvement process.
- Knowledge, expertise or experience that your group has in relation to the outcome.
- What improvement you want to achieve to your overall outcome.

You can return your participation request form via email to corporate.policy@inverclyde.gov.uk or by returning a paper copy to Inverclyde Council's Customer Service Centre, Municipal Buildings, Greenock. Please ensure that you include any supporting documentation with your request.

7. Decision Making

On receipt of a participation request, Inverclyde Council will check it to ensure that all the information needed is there. This will include checking that you have submitted your request to the right organisation, the status of your community group and whether any other organisation should be involved. If it is not a valid request we will contact you to inform you of what the issue is.

Once we are satisfied that all the required information has been received you will receive a formal acknowledgement of the participation request and a validation date – this is the date on which the last of the required information was received.

We will assess your request and respond to you within 30 working days of the date provided (or 45 working days if the request includes more than one public body).

When assessing your request we will consider:

- The reasons why your community body considers it should participate in the outcome improvement process
- Any other information in support of the request

- Whether agreeing to the request would be likely to promote or improve economic development; regeneration; public health; social wellbeing and environmental wellbeing
- Whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage or lead to an increase in participation by persons who experience social– economic disadvantage.

We must also ensure that we make the decision in a manner which encourages equal opportunities.

Unsuccessful requests

Inverclyde Council will not refuse your request unless there are reasonable grounds for doing so. This includes where a request relates to matters that are the same, or substantially the same, as a previous participation request made in the previous 2 years. If a request is unsuccessful we will provide you with a decision notice and an explanation why. A copy of the decision will be published on the Council’s website. Currently, there is no process to appeal an unsuccessful participation request.

Successful requests

If your request is successful, Inverclyde Council will issue a decision notice accepting the request. This decision notice will also include details on how the proposed outcome improvement process is intended to operate. This may be an existing process which your group is invited to join or it may be a new outcome improvement process. A copy of the decision will be published on the Council’s website.

8. Outcome Improvement Process

If Inverclyde Council already has an established outcome improvement process in place the decision notice will:

- Describe the operation of the outcome improvement process
- Specify what stage it has already reached
- Set out how your group will participate in the process
- Identify others that are part of the process and how they will contribute

If an outcome improvement process has not been established then the decision notice will:

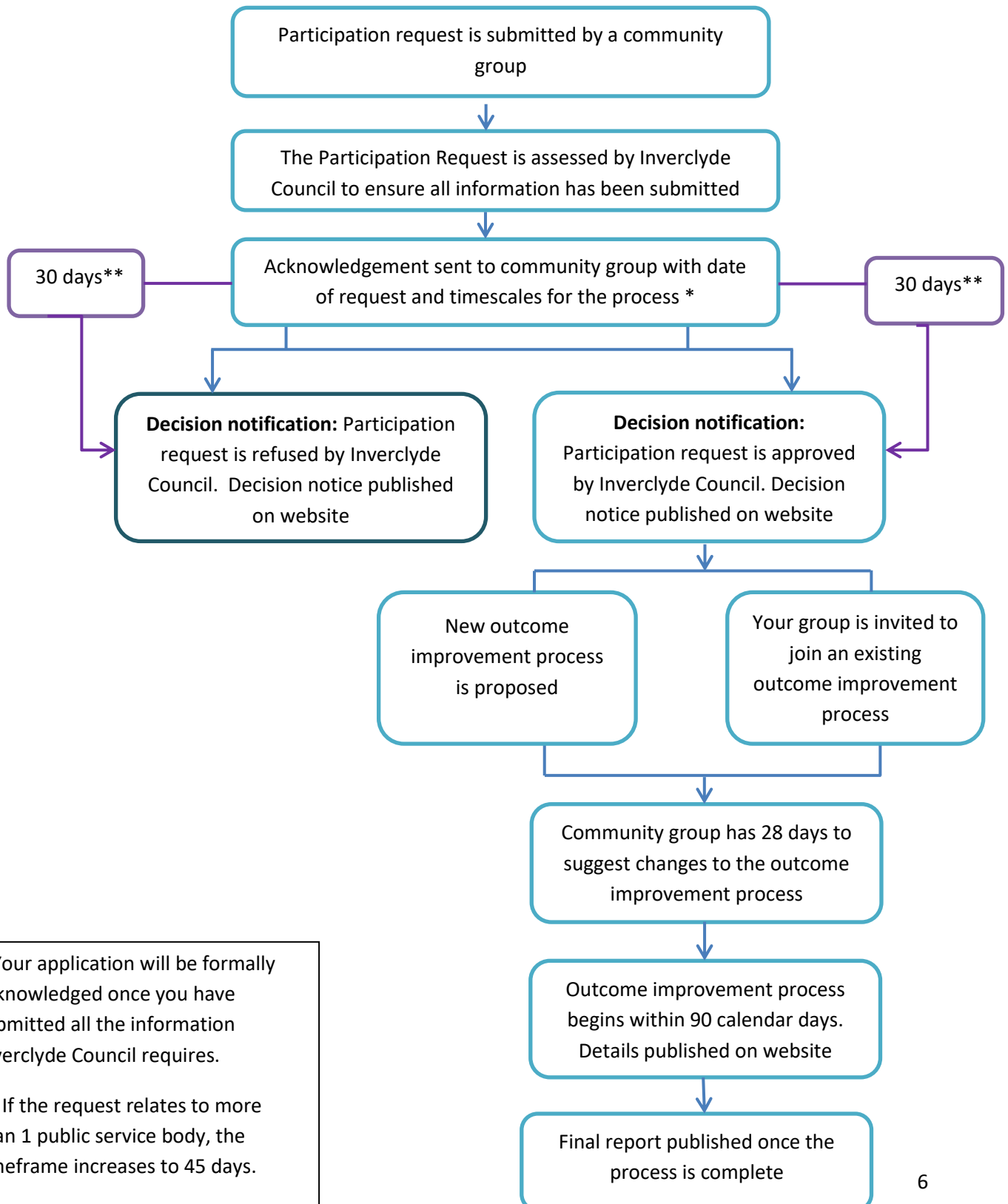
- Describe how the outcome improvement process will work
- Explain how your group is expected to participate
- Describe how any other persons are expected to participate in the process

Your community group has 28 calendar days (from the day on which the decision notice is given) to make written representation suggesting changes to the proposal on how the community participation process will take place. Inverclyde Council must take account of these proposals, again within 28 calendar days.

Once a decision notice has been issued agreeing to a participation request the Council has a period of 90 calendar days (from the day on which the decision notice is given) to establish an outcome improvement process.

Inverclyde Council must publish information on its website about the proposed outcome improvement process.

The key stages in the process are shown in the diagram below:



* Your application will be formally acknowledged once you have submitted all the information Inverclyde Council requires.

** If the request relates to more than 1 public service body, the timeframe increases to 45 days.

9. Reporting

Once the outcome improvement process is complete Inverclyde Council will publish a report on the process. The report will include details of the progress that has been made to improve the outcome and a description of how your community group influenced both the process and outcomes. It will also explain how your group will be informed of any future changes to the outcomes.

In preparing the report we will seek the views of your group and others who participated in the process on the ways in which the outcome improvement process was conducted and the outcomes achieved.

Annual report

Inverclyde Council will produce an annual report by 30 June each year for the period 1 April to 31 March. This report will set out:

- The number of requests received
- The number of requests accepted or rejected
- The number of requests which resulted in changes to service delivery
- Any action taken by the public service authority to promote and support groups

This guidance can be provided in alternative formats such as large print and Braille or other languages.

For further information please contact corporate.policy@inverclyde.gov.uk

Community Empowerment (Scotland) Act 2015

Participation Request Form

IMPORTANT

This is a participation request made under Part 3 of the Community Empowerment (Scotland) Act 2015. Before completing this form please ensure that you read both Inverclyde Council's Guidance on submitting a Participation Request and the national guidance produced by the Scottish Government, which is available here: <http://www.gov.scot/Topics/People/engage/ParticipationRequests/ParticipationRequestsGuidance>.

Advice on the information that should be provided in each section can be found in the additional notes on the last page of this form.

When completed this form should be sent to: corporate.policy@inverclyde.gov.uk

1. Details of the Community Participation Body

Name of Community Body	<input type="text"/>
Contact name	<input type="text"/>
Contact address	<input type="text"/>
Contact telephone number	<input type="text"/>
Contact email	<input type="text"/>
Website (if available)	<input type="text"/>

Please select what type of community participation body you are (refer to note 1)

- a) A Community Controlled Body
- b) A Community Council
- c) A Community body without written constitution
- d) A body designated by Scottish Ministers

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

2. Name of the public service authority to which the request is being made:

(refer to note 2)

3. Name of any other public service authority which the community participation body requests should participate in the outcome improvement process: (refer to note 3)

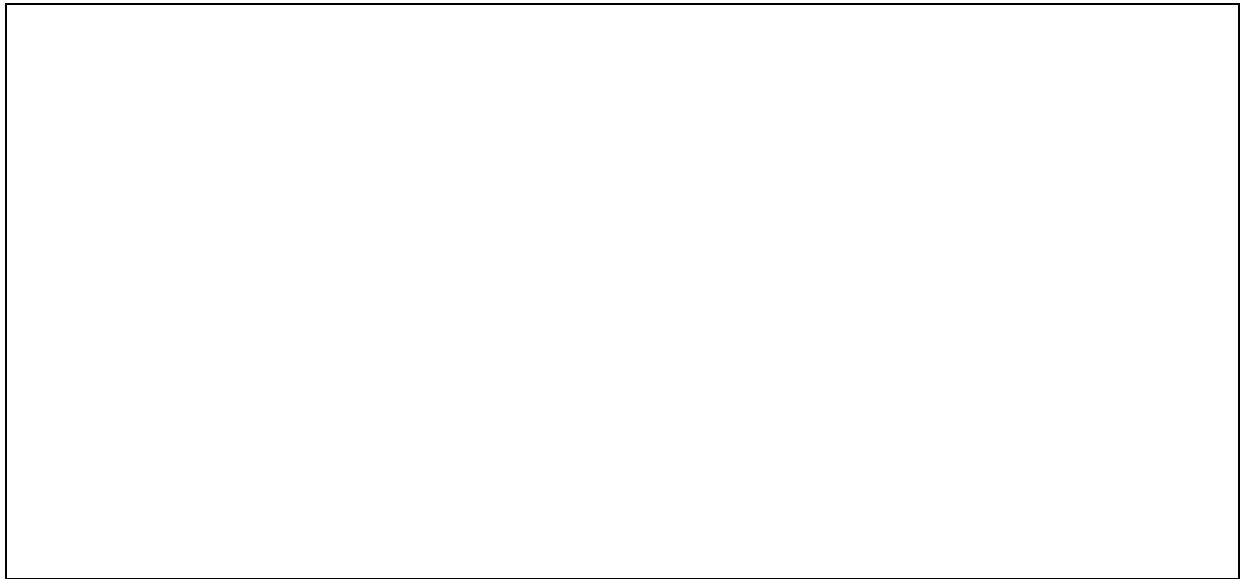
4. The outcome that community participation body want to improve: (refer to note 4)

5. The reasons why the community participation body should participate in an outcome improvement process: (refer to note 5)

6. Please provide details of the knowledge, expertise and experience the community participation body has in relation to the outcome: (refer to note 6)

7. Please provide details of how the outcome will be improved because of the involvement of the community participation body: (refer to note 7)

8. Additional Information (refer to note 8)



Additional Notes:

1. The Community Empowerment (Scotland) Act sets out that in order to make a participation request a group needs to be a 'community participation body'. This could be:
 - A community controlled body
 - A community council
 - A community body without a written constitution
 - A body designated by the Scottish Ministers

The community participation body should provide the necessary information to Inverclyde Council to show that they are a valid body that is entitled to make a participation request.

2. 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 Islands Enterprise
 - The Scottish Environmental Protection Agency
 - A National Park Authority
 - Police Scotland
 - Scottish Enterprise
 - The Scottish Fire and Rescue Service
 - Scottish Natural Heritage
 - A Regional Transport Partnership
3. Insert the names(s) of any other public service authority which the community participation body requests should participate in the outcome improvement process.
4. 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 3.47.
5. Set out the reasons why the community body believes it should participate in the outcome improvement process.
6. Provide details of any knowledge, expertise and experience the community body has in relation to the outcome specified under paragraph 4.
7. Provide an explanation of the improvement in the outcome specified under paragraph 4 which the community body anticipates may arise as a result of its participation in an outcome improvement process.
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.