

## **REPORT TO BUSINESS SERVICES COMMITTEE – 14 JUNE 2018**

### **PARTICIPATION REQUEST ANNUAL REPORT 2017/18**

#### **1. Recommendations**

**The Committee is recommended to:**

**1.1 Approve the Participation Requests Annual Report 2017/18 for submission to the Scottish Government.**

#### **2. Background**

- 2.1 The Community Empowerment (Scotland) Act 2015 introduced a new means by which community groups can request to be involved in, and influence over, decisions and services that affect communities. This involvement is described as an outcome improvement process and is initiated by a participation request.
- 2.2 The Scottish Government cite participation requests as the embodiment of the new culture that they want to see in the public sector, in which community participation in decision-making is the norm, and in which a positive relationship is created. The intention is to provide a new way for communities to initiate dialogue with public bodies in their own terms, with scope to raise issues that are important to them.
- 2.3 By engaging in an outcome improvement process it is expected that community bodies will gain a better understanding of the complexity of some problems and the constraints on the council as communities help in seeking to address them.
- 2.4 Participation requests are not intended to replace good quality existing community engagement or participation processes, nor to be an extension of complaints procedures, but as a framework for initiating dialogue where communities find it difficult to be recognised or heard.
- 2.5 There are several possible purposes that participation requests can be used for. Some of these include:
- To help people start a dialogue about something that matters to their community, through highlighting needs, issues or opportunities for improvement
  - To help people have their voice heard in policy and service development, through contributing to decision-making processes
  - To help people to participate in the design, delivery, monitoring or review of service provision, through contributing to service change or improvement
  - To help people challenge decisions and seek support for alternatives which improve outcomes

- 2.6 The Act requires Public Service Authorities to publish an annual report on participation requests (part3. s.32).
- 2.7 The first annual report for the period 1 April 2017 to 31 March 2018 is due to be submitted to the Scottish Government and made available to the public by 30 June 2018 and is attached as Appendix 1.
- 2.8 Annual reporting must include:
- The number of requests received
  - The number of requests agreed
  - The number of requests refused
  - The number of requests which resulted in changes to a public service provided by, or on behalf of, the public service authority
  - Any action taken by the public service authority to promote and support the use of participation requests
- 2.9 To date, no participation requests have been received.
- 2.10 The promotion of participation requests in Aberdeenshire over the past year has included:
- Publishing guidance on the Council website which can be accessed here <http://www.aberdeenshire.gov.uk/council-and-democracy/community-empowerment/>
  - Providing a local contact for enquiries
  - Promotion of summary guidance in bulletins and newsletters
  - Hosting community empowerment events/briefings
  - Elected Member briefing (attached as Appendix 2)
- 2.11 A lack of receipt of participation requests may be reflective of the good standard of engagement and participation in Aberdeenshire and be a proxy indicator for broad based participation, successful community engagement and positive relationships between groups and staff. Local resources, including Community Planning Officers, Area Officers and Area Managers ensure there is a local link between the Council and community groups. Currently, established processes ensure issues raised by communities are resolved through collaboration and partnership working. Communities, therefore, may not feel the need to raise a participation request as current relationships are working well.
- 2.12 Encouraging ongoing involvement and collaboration through existing mechanisms will ensure dialogue between the council and groups is focussed on outcomes and reflective of strategic priorities. This may reduce dissatisfaction regarding individual decisions and ensure accountability around strategic priorities.
- 2.13 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments have been incorporated in the Report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

### 3 Scheme of Governance

- 3.1 Business Services Committee is able to consider this item in terms of Section C 1.1 of the List of Committee Powers in Part 2A of the Scheme of Governance as this relates to Customer Communications and Improvement.

### 4 Implications and Risk

- 4.1 An Equality Impact Assessment is not required because the reason for the report is to note the submission of the annual report to the Scottish Government. There will be no differential impact, as a result of the report, on people with protected characteristics.
- 4.2 There are no direct staffing or financial implications arising directly from this report.
- 4.3 There are no Town First Principle implications arising directly from this report.
- 4.4 The following Risks have been identified as relevant to this matter on a [Corporate Level](#):
- ACORP002 – Changes in government policy, legislation and regulation: The Scottish Government are currently undertaking a review of local governance. It is anticipated that central to any changes brought forward through the Local Democracy Bill will be the principles of subsidiarity and participation.
  - ACORP006 – Reputation management (including social media): Submitting a participation request does not guarantee a community will be satisfied with the outcome of the process. In this situation groups may have negative views towards the outcome.

The following Risks have been identified as relevant to this matter on a [Directorate Strategic Level](#):

- BSSR004 - Community Empowerment: Without appropriate guidance and support community groups may have unrealistic expectations of what can be achieved through participation requests.

### Ritchie Johnson, Director of Business Services

Report prepared by Daniel Greig, Engagement & Consultation Officer  
Date 20/04/18





From mountain to sea

# Participation Requests

## April 2017 to March 2018

Participation requests are a new way for communities to get involved in how the Council and other public sector services are planned and delivered. They are focused on extending and improving both participation and outcomes for communities and are a new means by which community groups can request to have greater involvement in, and influence over, decisions and services. There are several possible purposes that participation requests can be used. These include:



- To help people start a dialogue about something that matters to their community, through highlighting needs, issues or opportunities for improvement.
- To help people have their voice heard in policy and service development, through contributing to decision-making processes.
- To help people to participate in the design, delivery, monitoring or review of service provision, through contributing to service change or improvement.
- To help people challenge decisions and seek support for alternatives which improve outcomes

Participation requests are not intended to replace existing community engagement or participation processes, nor to be an extension of complaints procedures, but as a framework for initiating dialogue where communities find it difficult to be recognised or heard.

### **Aberdeenshire 2017/18**

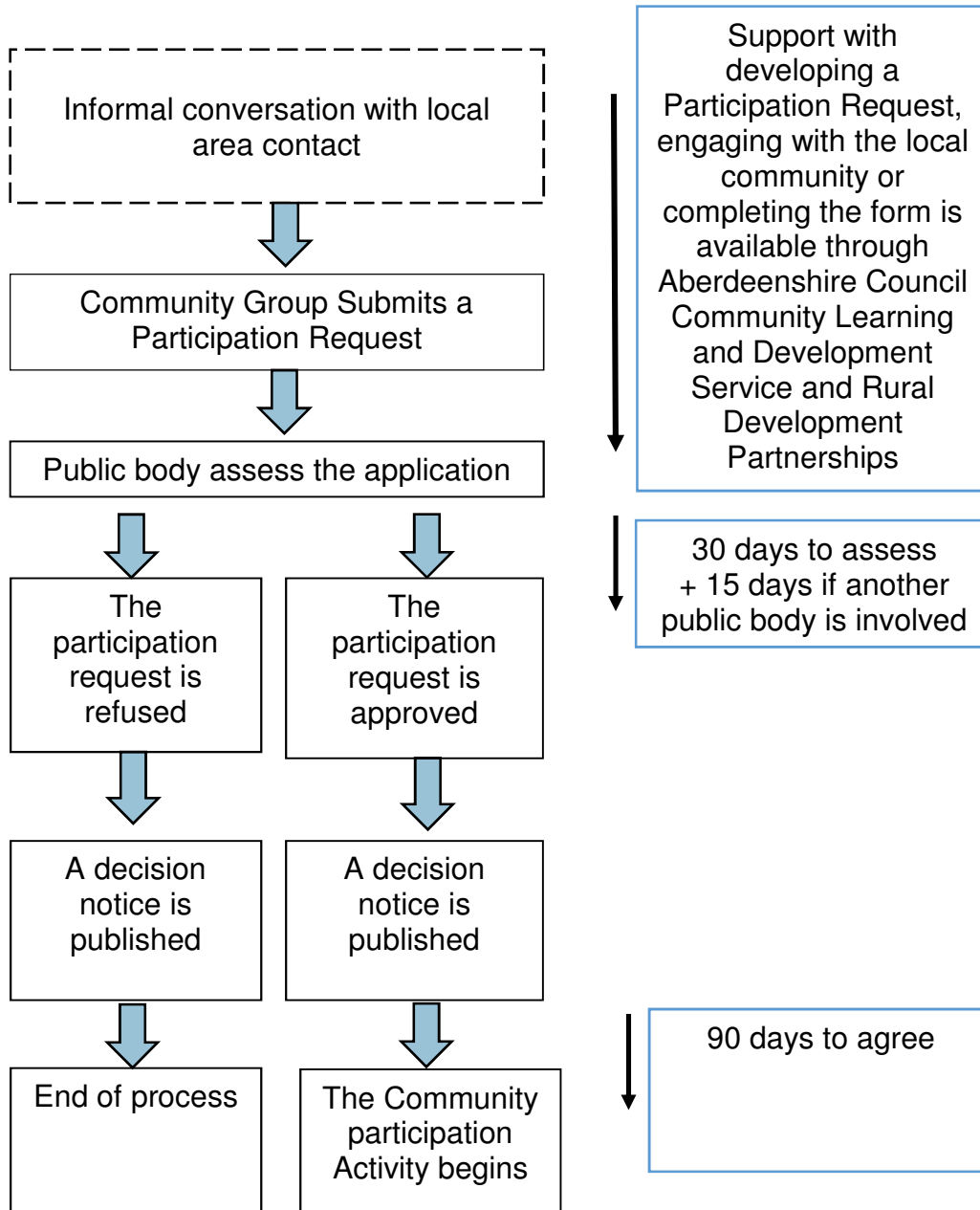
During 2017/18 Aberdeenshire Council did not receive any formal participation requests. Activity in Aberdeenshire to promote and support the use of participation requests included:

- Publishing guidance on the Council website and promoting summary guidance in bulletins and newsletters
- Providing a local contact for enquires
- Offering support to develop participation requests
- Supporting community empowerment events/briefing



## From mountain to sea

### Participation Requests Process



### Participation request checklist

- ✓ What are your objectives - what is it that you want to improve for your community?
- ✓ Do you have support for your ideas within your community?
- ✓ Have you had an opportunity to do anything about your objective before?
- ✓ What barriers have previously existed to stop you being involved in the achieving your objective?
- ✓ Do you require support to participate in the process?

When submitting a participation request groups should include information demonstrating that they are an eligible group and include the reasons why their involvement will improve outcomes for the community.



## From mountain to sea

### Community Planning

Community Planning is how public bodies work together with the community in a local area to make life better for people. Partners work together to improve local services, ensuring that they meet the needs of local people.

Participation of communities lies at the heart of community planning, and applies in the development, design and delivery of plans as well as in the review, revision and reporting.

### Ongoing Engagement and Participation

Engagement and participation lies at the heart of Aberdeenshire Council's approach to service improvement and development. Involving individuals and communities in planning and delivering services across Aberdeenshire ensures that plans, priorities and Services are reflective of local communities.

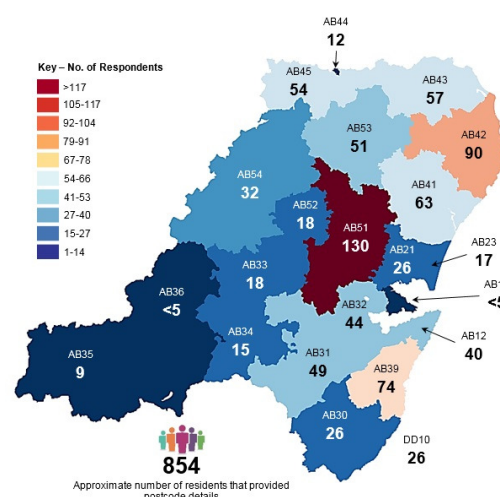
Between July and October 2017, a comprehensive engagement exercise was undertaken to help develop Council priorities. Over 1500 citizens and community group representatives participated to help chose areas for action.

To ensure ongoing involvement and collaboration and to guarantee communities are involved in decision making the Council Plan commits to provide opportunities for groups and individuals to have a voice on how things are done in their local area.

Other ways communities and citizens can be involved in, and influence over, decisions and services in their local community include:

- Attend a Ward or Community Council Forum
- Sign up to become a member of the Citizens' Panel
- Participate in a Local Community Planning Group
- Liaise with or join a local Community Council
- Contact a local Elected Member
- Respond to a survey or consultation
- Participate in engagement events in the local area

There is further information about ways to engage and get involved on the council's website – <http://www.aberdeenshire.gov.uk/council-and-democracy/> - or contact a local area office.





## From mountain to sea

### Local Area Contacts

#### **Banff and Buchan**

Email:

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#### **Buchan**

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#### **Kincardine and Mearns**

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From mountain to sea

# **COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 PART 3 - PARTICIPATION REQUESTS Briefing for Members March 2017**

## **1. Background**

The Community Empowerment (Scotland) Act 2015 was given royal assent in July 2015. Over the past 18 months regulations and guidance have been put in place to allow much of the Act to now be in force with Part 3 Participation Requests being the most recent Part to be implemented from 1 April 2017.

The Act has been designed to help to empower community bodies through the ownership of land and buildings, and by strengthening their voices in the decisions that matter to them. It aims to increase the pace and scale of public sector reform through a focus on improved outcomes for communities by improving the process of community planning, ensuring that local service providers work together even more closely with communities to meet the needs of the people who use them.

In summary, the parts of the Act that are in force (wholly or in part) are:

- Part 1 National Outcomes (April 2016)
- Part 2 Community Planning (December 2016)
- Part 4 Community Rights to Buy Land (partially April 2016)
- Part 5 Community Asset Transfer (January 2017)
- Part 11 Non Domestic Rates (October 2015)

## **2. Participation Requests**

On 1 April 2017 the latest part of the Act to be enacted will be Part 3 Participation Requests.

Participation Requests offer a mechanism for communities to have a more proactive role in having their voices heard in how services are planned and delivered. By making a Participation Request, community groups can start a dialogue with Aberdeenshire Council about issues that are important to them, which should help to improve outcomes.

Requests that are complaints about service delivery will continue to be managed through the council's feedback process.

### **Making a Request**

The council has developed a process to enable community groups to develop and submit a Participation Request. In line with the requirements of the regulation supporting Part 3, a form for community groups to use to outline their request has been developed and is available on the council's website. Guidance notes are also available.

The form, guidance and 'Frequently Asked Questions' are appended to this briefing and also accessible on the [Community Empowerment](#) section of the website.

Community groups are being encouraged to discuss their requests informally with the local Area Manager prior to formally submitting the request. Support to develop and complete a request is available through organisations such as the Rural Partnerships, Aberdeenshire Voluntary Action and the council's Community Learning & Development Service.

To be eligible to make a request and identified as a 'community participation body', a community group could be a 'community controlled body' (i.e. one that has a written constitution), a Community Council or designated by Scottish Ministers. However a community group that does not meet any of the above can also be a community participation body provided it meets similar requirements to a community controlled body. A community participation body could be one based around a common geography but could also be a community of interest/shared characteristic.

### **Decision Making**

Once a request has been submitted the council must respond within timescales set out within the regulation and guidance associated with Part 3. These timescales are:

- Acknowledgement of request – as soon as the community group has provided all information identified in the Act that enables a public service authority (the council) to consider the request an acknowledgment must be sent. Within this acknowledgement a validation date must be explicit – this is the date on which the council has received all the information necessary to make a decision. All other timescales are determined from the validation date confirmed in the acknowledgement letter
- Decision to agree or refuse the request – within 30 (working) days of validation date
- Start of Outcome Improvement Process – within 90 days (calendar) of decision

Participation Requests will be submitted in the first instance to the council's Feedback Team and this team will maintain a 'register' of requests, dates and decisions to support annual reporting requirements. Requests will then be coordinated and facilitated by Area Managers. The decision to agree a request will be made by the most appropriate officers for the service delivery area - for example Service Manager in collaboration with other officers.

It is expected that a Participation Request will be agreed unless there are reasonable grounds for refusal.

There is no appeals process for Participation Requests. The Scottish Government may decide to introduce an appeals requirement within three years.

### **Outcome Improvement Process**

When a Participation Request is agreed, an outcome improvement process will be designed. An outcome improvement process is an agreement between the council and the community participation body to have a formal conversation or dialogue about how the outcome identified in the Participation Request could be improved. As part of the dialogue there may be discussions about service design and delivery and the council will decide if there will be any changes to existing service delivery arrangements following the outcome improvement process.

### **Community Asset Transfer**

The Scottish Government guidance for Part 3 of the Act recognises the links with Part 5 (Community Asset Transfer) however it discourages community groups from having to undertake different processes to utilise both parts of the Act. Where a community participation body is seeking the transfer of an asset and is also looking to improve the outcome of services delivered from that asset, the council's Community Asset Transfer policy should be followed rather than the Participation Request process.

## **3. What This Means for Members**

Members have a role in raising awareness of the council's Participation Request process within their communities and encouraging community groups to use the process where it could support improved outcomes locally.

It is possible that following the outcome improvement process an existing policy requires review in order to enable the improvement to take place. This would be undertaken through the Scheme of Governance Part 4A Scrutiny at Aberdeenshire and specifically the Policy Development & Review Framework (<https://www.aberdeenshire.gov.uk/media/19661/part-4a-scrutiny-at-aberdeenshire-new-image.pdf> page 17)

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