

Angus Council

Participation Request Approach

Overview

The Community Empowerment (Scotland) Act 2015 and the Participation Request (Procedure) (Scotland) Regulations 2017 provides a framework for the use of participation requests by community participation bodies.

Participation Requests are focused on extending and improving community participation in improving outcomes for communities. This enables communities to request to participate in decisions and processes which are aimed at improvement.

This approach provides guidance on how the duty will be applied by Angus Council.

Before making a request

Before making a request, community participation bodies will be encouraged to contact the Council to discuss their idea. This will enable opportunities for existing participation to be identified and, where a participation request is subsequently submitted, help ensure that it is appropriate and focused on improving outcomes.

Whilst initial discussion is encouraged, this does not replace the community participation body's right to make a participation request without this.

Stage 1 – Making a participation request

A participation request must be from an eligible community participation body. To qualify the group must have membership that is open to the community and whose work is for the benefit of the community. Community applies to both geographical communities and communities of interest. The group does not need to have a written constitution and can be incorporated or unincorporated. Community Councils are included.

Where the community does not qualify as a community participation body, the Council will contact them explaining why they are not considered eligible directing them to the guidance on eligibility as well as putting them in touch with staff and third sector organisations who can assist them.

The participation request must specify:

- An outcome that results from the provision of a service provided by the Council or on its behalf

- The reasons why the community participation body should participate in the outcome process.
- Any knowledge, expertise or experience the community participation body has in relation to the specified outcome.
- An explanation of the improvement in the specified outcome which the community participation body anticipates may arise as a result of its participation.

A participation request will not be treated as having been made until all of the required information is received.

Participation requests must be submitted using the participation request form either in writing or electronically.

Where a request is valid, an acknowledgement will be issued. This will include a validation date for the request which is the date on which all the required information was received.

The request will be assessed within 30 working days of the validation date or 45 days where the request relates to more than one public service body. The period can be extended if agreed between the Council and the community participation body.

In addition to the Council, a request can be made to:-

- Dundee and Angus College - TBC
- Police Scotland – Paul.Anderson4@scotland.pnn.police.uk
- NHS Tayside – allyson.angus.nhs.net
- Scottish Enterprise – Brian.Mcleish@scotent.co.uk
- Scottish Fire and Rescue Service - TBC
- Tactran - TBC
- Scottish Natural Heritage - TBC

Stage 2 – Making a decision

Once validated and acknowledged the request will be assessed. In doing this the Council will consider whether it is likely to promote or improve:

- Economic development
- Regeneration
- Public health
- Social wellbeing
- Environmental wellbeing; and/or
- Reduce inequalities of outcome which result from socio-economic disadvantage; and

- Likely to lead to an increase in participation in the outcome improvement process and/or the design/delivery of a service relating to the outcome from people experiencing socio-economic disadvantage

A request will not need to address all of these areas, and may fit into one or more of the categories. Consideration will also be given to any other benefits that may arise.

In making the decision, the Council will take account of its responsibilities under the Equalities Act 2010. Due diligence will be taken with regard to impacts upon people with protected characteristics and those experiencing socio-economic disadvantage.

Having assessed the request the Council will issue a decision notice. This will set out the decision, and if refusing the request, the reasons for this. A copy of the decision notice will be published on the Council website.

The request will be agreed unless there are reasonable grounds for refusal. Where a request is refused the Council will explain the reasons for the refusal. The Council can refuse a request if it is the same or essentially the same as a request received in the preceding two years. The Council can refuse a request on these grounds even if it was from a different community participation body.

If the Council decides to refuse the participation request there is no provision under the legislation for appeal or review.

Stage 3 – The outcome improvement process

A decision notice agreeing to the participation request will include details of how the Council (and other public service bodies where relevant) proposes to take forward the outcome improvement process.

Where a process already exists

The decision notice will:

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

Where a new process needs to be established

The decision notice will:

- Describe how the outcome process will operate
- Explain how the community participation body is expected to participate; and
- Describe how any others persons are expected to participate in the process

On receipt of the notification, a community participation body will have 28 days to discuss and make representations in relation to the proposed outcome improvement process. The Council will take account of these proposals.

The Council will publish on the Council website information on the proposed outcome improvement process including the names of the community participation body and public bodies involved, to the outcome to which the process relates, how the process will operate and the timescale for completion.

The Council will start any new outcome improvement process within 90 calendar days from issuing the decision notice.

The outcome improvement process may be modified, following consultation with the community participation body. Where this happens, the Council will publish a new modified outcome improvement process. This notice will include details of how the outcome improvement process has been modified.

Stage 4 – Reporting and Review

On completion of the outcome improvement process the Council will publish a report summarising the outcomes of the process, the contribution of the community participation body and how the Council will keep the community body informed of any matters relating to the outcome. In preparing the report, the Council will seek the views of the community participation body that made the request and any other community participation bodies involved.

On an annual basis, the Council will publish a report setting out the number of participation requests received; the number agreed and refused; and the number of requests which resulted in changes to a public service. The Council will also provide information on how the use of participation requests has been promoted and supported.

These annual reports, covering 1 April to 31 March, will be published by 30 June and will relate to the number of requests received, agreed and refused in the given year. Decisions received but not yet assessed may be reported in different years.

Roles and Responsibilities

The Act, Regulations and associated guidance identify specific responsibilities placed on the community participation body in making a participation request. Community participation bodies are encouraged to familiarise themselves with these requirements, seeking independent advice where appropriate.

The Council participation request process will be managed by the Strategic Policy, Transformation and Public Sector Reform Unit. The Community Engagement Officer will act as the first point of contact for participation requests and will administer all aspects of the process.

Individual service areas, as relevant to the outcome identified in the participation request, will be responsible for engaging with the community participation body, assessing the eligibility of the participation request, defining the outcome improvement process and producing reports in respect of these requests.

Where a participation request is refused, the grounds for the decision will be reviewed by the Head of Strategic Policy, Transformation and Public Sector Reform to ensure compliance with the legislation and consistency of approach.

Support will be provided by the Community Engagement Officer. In addition to providing advice and guidance the Community Engagement Officer will monitor progress on the implementation of the policy and, in the first year of operation, provide updates to an appropriate Council committee.